

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5999 of 2016

1. Smt. Santoshi, W/o. Rajkumar Kanojia, aged about 28 years,
 2. Smt. Urmila, W/o. Laxman Kanojia, aged about 50 years,
- Both are R/o. In Ward No.12, Budhwari Para, Dongargarh, District –
Rajnandgaon (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : P.S. - Dongargarh, District
Rajnandgaon (C.G.)

---- Respondent

For Applicants : Mr. B.P. Singh, Advocate

For Respondent/State : Mr. Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

05/10/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.202/2016, registered at Police Station – Dongargarh, District – Rajnandgaon (C.G.) for the offence punishable under Section 302, 201, 34 of the Indian Penal Code.
2. As per the prosecution case, on 15.01.2016 one Shobha @ Priti was married to Raja Kanojia, thereafter, she died unnatural death by burn on 24.04.2016. It is alleged that the deceased was subjected to torture for demand of dowry and the present applicant No.1 is the sister-in-law and applicant No.2 is mother-in-law of the deceased and cause of death is strangulation and thereafter burned the body.

3. Learned counsel for the applicants submits that in the instant case only the omnibus allegations have been levelled against the present applicants, who are sister-in-law and mother-in-law and no direct evidence is available against them. It is further submitted that charge-sheet in this case has been filed and the applicants are in jail since 25.07.2016, therefore, the counsel prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. The morgue intimation is about the death by burn. The postmortem report shows that on tracheal tube no carbon particle was present, which raises presumption in favour of strangulation. Considering the same as the applicants were also inmates of the house at the time of incident, I am not inclined to release the applicants on bail at this stage.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge