

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6608 of 2016

1. Smt. Gayatri Nirmalkar, W/o. Shri Ramlal Nirmalkar, aged 25 years,
R/o. Khapri, District – Balodabazar-Bhatapara (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Police Station - City Kotwali,
Balodabazar (C.G.)

---- Respondent

For Applicant : Mr. Anjinesh Shukla, Advocate

For Respondent/State : Mr. Umakant Singh Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/10/2016

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 applicant who has been arrested in connection with Crime No.42/2012, registered at Police Station – City Kotwali, Balodabazar, District – Baloda Bazar (C.G.) for the offence punishable under Section 304B of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 30.10.2011 one Geetanjali Nirmalkar died within 7 years of marriage in unnatural circumstances by burn. It is alleged that the applicant along with other family members have used to torture the deceased for

demand of dowry. Consequently, she was made to die. The applicant was Jethani i.e. Sister-in-law of the deceased was also used to torture the deceased, thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and other co-accused were tried and they have been discharged and no witnesses deposed against any of the alleged accused. He further submits that the present applicant was Jethani (Sister-in-law) of the deceased and was residing separately and she has been falsely implicated in this case and she is in jail since 22.09.2016 and she has a minor children, therefore, the counsel prays that the applicant 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 statement of the Jamuna Bai and Sahodri Bai Nirmalkar, wherein general allegation have been attributed against the present applicant. Also perused the judgment dated 03.01.2014, wherein after trial, Balbhaddar Nirmalkar has been acquitted of the charges. Considering the nature of allegation levelled against the applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram