

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6812 of 2016

1. Ganesh Jaiswal S/o Shri Shankar Jaiswal, Aged About 35 Years R/o Tahsilpara, Kusmi, Police Station & Tahsil Kushmi, District Balrampur Ramanujganj, Chhattisgarh.
2. Shankar Jaiswal S/o Badri Prasad Jaiswal, Aged About 72 Years R/o Tahsilpara, Kusmi, Police Station & Tahsil Kushmi, District Balrampur Ramanujganj, Chhattisgarh.
3. Heeramuni Jaiswal, W/o Shri Shankar Jaiswal, Aged About 70 Years R/o Tahsilpara, Kusmi, Police Station & Tahsil Kushmi, District Balrampur Ramanujganj, Chhattisgarh. --- **Applicants**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Kushmi, District Balrampur Ramanujganj, Chhattisgarh. - **Respondent**

For the applicants	: Mr. Awadh Tripathi, Advocate
For the Respondent	: Mr. Anupam Dubey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.11.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 25 of 2016 registered at P.S. Kushmi, Distt. Balrampur-Ramanujganj (C.G) for the offence punishable under Sections 304-B, 498-A, 34 of IPC.
2. As per the prosecution case, one Mamta who was married to Anand on 21.05.2013 committed suicide by hanging on 16.06.2016. It is alleged that she died in unnatural circumstances within 7 years of marriage. It is also alleged that she was subjected to cruelty for demand of dowry by applicant No.1 Ganesh Jaiswal brother-in-law and applicants 2 & 3 Shankar Jaiswal and Heeramuni Jaiswal father-in-law

and mother-in-law of deceased, thereby the offence is committed.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated and only general allegations have been attributed to applicant no.1 and when the girl has committed suicide by burning then the allegation of demand of Rs.5 lakhs was made even against applicants 2 & 3. He referred to the statement of Manisha Prajapati who was a servant-maid and would submit that there has been some dispute between the mother-in-law and deceased over preparation of tea, which aggravated her to commit suicide, therefore, there was no demand of dowry. It is further submitted that applicants 2 & 3 are old and infirm; charge sheet has been filed and the applicants are in jail since 21.06.2016, therefore, they may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary as also the statement of father of deceased namely Girija Prasad Jaiswal, which was recorded on 17.06.2016 as also statement u/s 161 Cr.P.C., wherein general allegations have been attributed to Ganesh Jaiswal who is brother-in-law and other family members. So far as father-in-law and mother-in-law are concerned, direct allegation have been attributed to them.
6. Considering the nature of allegations levelled against applicant No.1, which are general in nature, I am inclined to allow his bail application. With respect to applicants No.2 & 3 who are father-in-law and mother-in-law, without further observation on the merits of the case only considering their age as applicant no.2 Shankar Jaiswal is stated to be 72 years of age and applicant no.3 Heeramuni Jaiswal is stated

to be 70 years as also the fact that the charge sheet has been filed and the applicants are in jail since 21.06.2016, I am inclined to release them also on bail.

7. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**