

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6893 of 2016

1. Vivek Kumar Darshan Alias Vinu Darshan S/o Shri Om Prakash Darshan Aged About 27 Years R/o Village - Bhadripali Police Station - Kharsiya, Civil & Revenue District Raigarh Chhattisgarh
2. Om Prakash Darshan S/o Late Shri Harishankar Darshan Aged About 60 Years Occupation Agriculture R/o Village - Bhadripali Police Station Kharsiya Civil & Revenue District - Raigarh Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer Police Station - Kharsiya Tahsil Kharsiya District - Raigarh Chhattisgarh

---- Respondent

And

MCRC No. 6809 of 2016

Smt. Ratna Bai Darshan W/o Shri Om Prakash Darshan Aged About 50 Years R/o Village - Bhadripali Police Station - Kharsiya Civil & Revenue District - Raigarh Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Police Station - Kharsiya Tahsil Kharsiya District Raigarh Chhattisgarh

----Respondent

For applicants - Ms. Deepali Pandey, Advocate.
For Respondent/State – Ms. Sunita Jain, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

7/11/2016

1. Both these bail applications are decided by this common order as they are arising out of the same crime number.
2. The applicants have preferred these applications for grant of bail as they are arrested in connection with Crime No.173/2014 registered in Police Station Kharsiya District Raigarh (C.G.) for offence punishable under section 304B/34 of IPC.

3. As per the prosecution case, one Anita Darshan committed suicide by hanging on 27/04/2014. She was married to Chandrahas Darshan on 2/06/2013. It is alleged that she was subjected to torture for demand of dowry by all the in-laws including the husband. Therefore, she died unnatural death within one year of the marriage. Thereby, offence is committed.

4. Learned counsel for the applicants submits that at the time of incident the applicants were not in the house, they had gone to attend some marriage and were not present while the incident happened which would be evident from the statement of Shanti Kumar Dadsena who is neighbour. It is further submitted that general allegations have been attributed against the applicants and the applicants have surrendered on 27/09/2016 and Chandrahas Darshan and Hemlata Darshan who were tried in offence have been convicted on 10/07/2015 and their jail sentence have been suspended after filing of the appeal. She submits that taking into such fact and age of the mother-in-law and father-in-law as also allegation levelled against the brother-in-law Vivek, the applicants may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail and would submit that the applicants were absconding and had only surrendered on 27/09/2016 after the other co-accused were convicted.

6. Perused the statement of father Gopal Singh and mother Phool Bai of the deceased which was immediately recorded after the incident. Taking into fact that the allegation levelled against the applicants which appears to be general in nature, main allegation prima facie appears to have been made against husband Chandrahas and also considering the facts of the case since evidence has already been led in a trial against Chandrahas Darshan and Hemlata Darshan and the applicants are in jail since

27/09/2016, this court is inclined to release the applicants on bail.

7. Accordingly, the bail applications are allowed and it is directed that the applicants shall be released on each of them furnishing personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of concerned trial court for their regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE