

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6796 of 2016

1. Fattelal Sen, S/o. Mahettar Lal Sen, aged about 50 years,
2. Smt. Kaveri Bai Sen, W/o. Fattelal Sen, aged about 45 years,
3. Devnarayan Sen, S/o. Fatte Lal Sen, aged about 22 years,
4. Mahettar Lal Sen, S/o. Late Shivgovind Sen, aged about 70 years,
5. Smt. Janki Bai, W/o. Mahettar Lal Sen, aged about 65 years,

All are R/o. Village-Sundrawan, Police Station Palari, District – Baloda-Bazar - Bhatapara (C.G.)

----Applicants

Versus

1. The State of Chhattisgarh, Through : Station House Officer, Police Station – Palari, District – Baloda Bazar – Bhatapara (C.G.)

---- Respondent

For Applicants	: Mr. T.K. Jha, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/11/2016

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.200/2016, registered at Police Station – Palari, District – Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Section 304-B/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Pooja Sen died in unnatural circumstances on 11.05.2016 because she got burn injuries on 03.05.2016 within seven years of her marriage. The deceased was married to Mahendra Sen approximately in the

month of April, 2013. It is the case of the prosecution that the deceased was subjected to cruelty by all the family members, who were inmates of the house while she sustained burn injuries. Thereby the offence has been committed.

3. Learned counsel for the applicants submits that dying declaration of the deceased was recorded wherein no charges have been clamped against the present applicants, therefore, only on the basis of presumption, the applicants have been inculpated. It is further submitted that charge-sheet in this case has been filed and the applicants are in jail since 19.09.2016 and they are father-in-law, mother-in-law, brother-in-law, grand father-in-law and grand mother-in-law of the deceased respectively, 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. In the dying declaration, no allegation has been attributed to the applicants. Taking in to the medical report and further considering the facts & circumstances of the case, the dying declaration and the statements of the witnesses, this Court is of the opinion that present is a fit case, in which, the applicants 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 applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram