

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7126 of 2016

1. Banwasi Kaushik S/o Late Prahalad Kaushik, Aged About 45 Years R/o Village Patharri, Police Station Hardibajar, Tahsil Pali, District Korba Chhattisgarh
2. Puja Prakash, S/o Banwasi Kaushik, Aged About 26 Years R/o Village Patharri, Police Station Hardibajar, Tahsil - Pali, District Korba Chhattisgarh
3. Lukeshwar Kashyap S/o Ramnarayan Kashyap, Aged About 22 Years R/o Kurudih, Police Station Unga Tahsil & District Korba Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Out Post - Hardi Bazar, Police Station Kusmunda, District Korba Chhattisgarh

---- **Respondent**

For Applicants : Mr. Akhtar Hussain, Advocate

For Respondent/State : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-11-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 30-8-2016 in connection with Crime No. 108 of 2016, registered at Out post Hardi Bazar, District Korba PS Kusmunda, District Korba (CG) for the offence punishable under Sections 304-B, 498-A and 306 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the complainant Rajaram Kashyap, who is the father of the deceased Janaki Bai that his daughter committed suicide by consuming poison on 7-6-2016. It is alleged that she was married to applicant

No.2 Pujya Prakash one and half years prior to the date of incident and she was subjected to cruelty for demand of dowry by the father-in-law, husband and brother-in-law (husband's nanad). Consequently she died unnatural death within seven years of her marriage.

3. Learned counsel appearing for the applicant would submit that after the incident statement of the father of the deceased was recorded wherein no allegations have been attributed to the present applicants. However, when written report was filed on 24-6-2016, story was completely changed and allegations have been attributed to the present applicants. He would further submit that the applicants have been falsely implicated in the case, charge-sheet has been filed in this case, the applicants are in jail since 30-8-2016 and no further investigation is required, therefore, they may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the statements of the parents of the deceased recorded on 15-6-2016 wherein main allegations have been attributed to mother-in-law and sister-in-law of the deceased.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the present applicants and further considering the statements of the parents of the deceased and also the fact that charge-sheet in this case has been filed and the applicants are in jail since 30-8-2016, this court is inclined to release the applicants on bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju