

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7459 of 2016

1. Mangru Gupta S/o Lakhan Gupta, Aged About 60 Years R/o Sharma Colony, Infront Of Dena Bank Camp -2 Bhilai Police Station Chhawani, Civil And Revenue District Durg Chhattisgarh
2. Smt. Radhika Devi, W/o Mangru Gupta, Aged About 55 Years R/o Sharma Colony, Infront Of Dena Bank, Camp -2 Bhilai Police Station Chhawani, Civil And Revenue District Durg Chhattisgarh

---- Petitioners

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Chhawani, District Durg Chhattisgarh

---- Respondent

For Applicants : Mr. C.R. Sahu Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29-11-2016

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 8-6-2016 in connection with Crime No. 353 of 2016, registered at Police Station Chhawani, District Durg (CG) for the offence punishable under Sections 304-B/34 of the IPC.
2. As per prosecution case, a report was made by Pyare Lal Gupta, who is father of the deceased that on 6-6-2014 deceased Kiran Gupta was married to Munna, who is the son of the present applicants. It is alleged that the deceased was subjected to cruelty for demand of dowry. Consequently, she died unnatural death within seven years of her marriage and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case and only general allegations have been against the present applicants. It is further submitted that on 4-6-2016 the husband of the deceased demanded money from her and when she did not fulfill the demand he assaulted her and therefore, no allegations have been attributed against preset applicants who are father-in-law and mother-in-law of the deceased. He would further submit that the applicants are aged about 60 and 55 years, charge-sheet has been filed in this case, they are in jail since 8-6-2016 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 and have also perused the case diary and the documents.
6. Perused the statement of Jay Prakash Gupta, who is brother of the deceased and first information report made by Pyare Lal Guypta, who is father of the deceased wherein general allegations have been attributed to the present applicants.
7. Taking into consideration the facts and circumstances of the case, considering the nature of allegations leveled against the applicants and further considering the statement of the brother of the deceased and further considering the age of the applicants, who are aged about 60 and 55 years and also the fact that charge-sheet has been filed and they are in jail since 8-6-2016, I am inclined to release the applicant 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