

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7636 of 2016

1. Smt. Bagwati, W/o. Madan Singh Netam (Wrongly mention in the impugned order Madan Netam), aged about 55 years, (wrongly mention in the impugned order aged about 42 years).
2. Manoj, S/o. Madan Singh Netam (wrongly mention in the impugned order Madan Netam), aged about 21 years, (wrongly mention in the impugned order aged about 25 years)

Both are R/o. Charoda (Bar), Chowki – Bya, Thana – Rajadevri, District – Baloda Bazar-Bhatapara (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : the Police Station House Officer – Chowki – Bya, Thana – Rajadevri, District – Baloda Bazar – Bhatapara (C.G.)

---- Respondent

For Applicants	: Mr. Deepak Jain, Advocate
For Respondent/State	: Mr. Anupam Dubey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30/11/2016

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.40/2016, registered at Police Station – Rajadevri, Chowki- Bya, District – Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Section 304 (B) of Indian Penal Code.

2. Case of the prosecution, in brief, is that on 23.08.2016 one Lileshwari committed suicide by hanging. She was married to the applicant No.2, Manoj in the month of April, 2016. It is alleged that the applicant No.1, who is mother-in-law and applicant No.2, who is husband of the deceased have demanded dowry and the deceased was subjected to cruelty for various reasons, consequently, she died unnatural death within seven years of her marriage. Thereby the offence has been committed.
3. Learned counsel for the applicants submits that the statement of mother, Dhanai Bai and father, Lakhan Lal would show that no allegation of demand of dowry was ever made and only on trivial issue some dispute arose in between the husband and wife and the deceased could not adjust herself, consequently, she committed suicide. 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, documents and the statements of Dhanai Bai, mother, Dhan Singh, brother and Lakhan Lal, the father of the deceased and also the morgue statement recorded on 24.08.2016, wherein specific allegation for demand of dowry has not been attributed. Considering the nature of allegation without any further observation on merits, 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