

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7756 of 2016

Smt. Charo Bai, W/o. Ganpati, Aged About 32 Years, Caste- Kenwat, R/o. Village- Jaitpur, Police Station- Sarsiva, Tahsil- Bilaigarh, District- Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through: Station House Office, Police Station- Sarsiva, District- Balodabazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Raghavendra Pradhan, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/12/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.107/2016 registered at Police Station- Sarsiva, District Balodabazar-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 on 11.03.2016 the deceased Meena died an unnatural death by burn within 4-5 years of her marriage and he was married to Lakhpati prior 4-5 years of the date of incident. It is alleged that the present applicant and other co-accused has treated the deceased with cruelty on account of demand of dowry, therefore, the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the applicant was residing

separately and presently she is in jail alongwith the children of the deceased. He submits that false allegations have been attributed and even before the incident, the alleged report was made by the deceased against the husband for some dispute, which cannot be stated that the applicant was party to the demand of dowry. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, documents and the statement of Devcharan, father of the deceased. It appears that only omnibus allegations is attributed. Considering the fact that the applicant is lodged in jail alongwith the children and further taking into totality of the case, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge