

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7825 of 2016

1. Meluram, S/o. Sammat Ram, aged about 65 years, Caste-Nirmalkar,
2. Smt. Jugmati, W/o. Meluram, aged about 60 years,
Both are R/o. Village- Jhalmala, P.S. Mulmula, Civil and Revenue District – Janjgir-Champa (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Police Station- Mulmula, District – Janjgir-Champa (C.G.)

---- Respondent

For Applicants	: Mr. Sushobhit Singh, Advocate
For Respondent/State	: Mr. Anant Bajpai, 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, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.111/2016, registered at Police Station – Mulmula, District – Janjgir-Champa (C.G.) for the offence punishable under Section 304 (B), 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the deceased namely Nimi Nirmalkar was married to Ajay Nirmalkar on 01.05.2016 and she died unnatural death by burn on 14.08.2016. It is alleged that the present applicants, who were father-in-law and mother-in-law of the deceased along with son have treated the deceased with cruelty. Thereby the offence has been committed.
3. Learned counsel for the applicants submits that the real reason behind the death was that the husband of the deceased was 80%

disabled due to Polio. It is further submitted that charge-sheet in this case has been filed and the applicants are in jail since 25.08.2016 and therefore, the counsel prays that the applicants who are father-in-law and mother-in-law aged about 65 and 60 years may be released 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 as also the statement of Anuj Bai and morgue statement of Harish Prasad Nirmalkar, wherein allegations have been attributed. Considering the fact the nature of allegation and the fact that the applicants appears to be of 65 and 60 years of age. Taking into such fact, 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