

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7940 of 2016

Gaya Bai, D/o. Banwasi, Aged About 19 Years, Caste Kurmi, R/o. Village Patharri, Tahsil- Pali, District Korba, Chhattisgarh, Presently Resided At Village Kurudeah, Post Sohagpur, Tahsil Karlata, District Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Out Post Hardibazar, District Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Akhtar Hussain, Advocate

For Respondent : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/12/2016

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.108/2016 registered at Police Out Post- Hardibazar, Police Station- Kusmunda, District Korba (C.G.) for the offence punishable under Section 304-B of Indian Penal Code.
2. As per the prosecution case, a report was made by the complainant Rajaram Kashyap, father of the deceased Janki, that his daughter committed suicide by consuming poison on 07.06.2016. It is alleged that she was married to Pujya Prakash 1½ years prior to the incident and she was subjected to cruelty for demand of dowry by the present applicant alongwith other co-accused and consequently, she died an unnatural death within seven years of marriage.

3. Learned counsel for the applicant would submit that the marriage of the applicant and deceased was performed on the same date as per Annexure A-3 and after marriage, she joined her matrimonial home at village Patharri and she was not present at the time of incident. He further submits that the applicant is lodged in jail along-with children of the applicant and deceased also, therefore, she may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the witnesses. It appears that omnibus allegations have been attributed against the applicant. The document also shows that along-with the applicant child is also lodged in jail. Considering the same and the fact that the charge sheet has been filed and the applicant is a lady, 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