

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 6256 OF 2017

1. Smt. Pramila Singh, W/o Shri Ram Kumar Singh, aged about 52 years
 2. Ku. Khushbu @ Moha Singh, D/o Shri Ram Kumar Singh, aged about 26 years
- Both are R/o Village Amlidih, P.S. Saja, District Bemetara (C.G.)

... Applicants

versus

State of Chhattisgarh, through: Station House Office, Police Station Saja, District Bemetara (C.G.)

... Respondent

MISC. CRIMINAL CASE NO. 6264 OF 2017

1. Manoj Singh, S/o Ram Kumar Singh Rajput, aged about 33 years
 2. Ram Kumar Singh, S/o Manhar Singh Rajput, aged about 62 years
- Both are R/o Village Amlidih, P.S. Saja, District Bemetara (C.G.)

... Applicants

versus

State of Chhattisgarh, through: Station House Office, Police Station Saja, District Bemetara (C.G.)

... Respondent

For Applicants	:	Mr. Raghvendra Pradhan and Mr. D.S. Rajput, Advocates.
For Respondent-State	:	Mr. Gary Mukhopadhyay, Dy. Govt. Advocate.
For Objector	:	Mr. Abhishek Sharma, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/11/2017

1. The present are two separate applications filed under Section 439 of CrPC seeking for grant of bail to the respective Applicants who are in jail since 26.5.2017 in connection with Crime No. 210/2017, registered at Police Station- Saja, District- Bemetara, for the offence punishable under Section 304-B/34 of IPC.
2. Applicants in M.Cr.C. No. 6256/2017 are the mother-in-law and sister-in-law of the deceased and Applicants in M.Cr.C. No. 6264/2017 are the husband and father-in-law of the deceased.

3. The deceased in the instant case is Smt. Yogita Singh who has committed suicide by hanging herself on the intervening night of 19th & 20th of May, 2017.

4. Allegation against the Applicants as per the prosecution is that all the Applicants is said to have subjected the deceased to ill-treatment, harassment and torture, which forced her to commit suicide by hanging herself.

5. Learned Counsel for the Applicants submits that it is a case where the deceased was working as a Shiksha Karmi and that she used to come to her in-laws' place only on the weekends when the schools are closed and subsequently from Monday onwards she would go and stay with her brother, Virendra Bahadur Singh. Learned Counsel for the Applicants further submits that there is no demand of dowry or ill-treatment on account of demand of dowry with which the offence under Section 304-B of IPC could have been made out. It was further submitted that it is a case where even in the case diary it would reveal that the demand of money was for construction of the house of the husband of the deceased. It was also the contention of the learned Counsel for the Applicants that the allegations levelled against all the accused persons are general in nature and omnibus and therefore they deserves to be released on bail.

6. Learned Counsels appearing for the State as well as for the Objector opposing the bail applications submit that it is a case where all the witnesses examined during the course of investigation reveal that there was a constant ill-treatment, torture and harassment at the hands of the Applicants which the deceased could not sustain and finally she took an extreme step of ending her life by hanging herself.

7. Learned Counsel for the State submits that it is a case where the demand has been accepted to have been made though for the construction of the house. He further submits that it is not just the demand of dowry which has been made, but on the refusal to provide the money there was a harassment, assault and ill-treatment also which forced the deceased to take such an extreme step of committing suicide. He thus prayed for the rejection of the bail applications.

8. Having considered the submissions put forth on either side and on perusal of record, so far as the mother-in-law and sister-in-law, i.e., the Applicants in M.Cr.C. No. 6256/2017 as well as the father-in-law, i.e., the Applicant No.2 in M.Cr.C. No.6264/2017, are concerned, the allegations against them are all general and omnibus and that there is no specific allegation against any of these accused persons nor is there any overt-act attributed also which compelled the deceased to commit suicide.

9. In the given facts and circumstances of the case, the two Applicants in M.Cr.C. No. 6256/2017, i.e., Applicant No.1-Smt. Pramila Singh and Applicant No.2-Ku. Khushbu @ Mona Singh and one of the Applicants in M.Cr.C. No. 6264/2017, i.e. Applicant No.2-Ram Kumar Singh, who are mother-in-law, sister-in-law and father-in-law of the deceased respectively, are entitled to be released on bail.

10. So far as Applicant No.1 in M.Cr.C. No. 6264/2017, i.e., Manoj Singh, the husband of the deceased, is concerned, since there are allegations levelled against him, learned Counsel for the Applicants does not press his bail application at this juncture and prays for a liberty to revive the same after some time.

11. Accordingly, M.Cr.C. No. 6256/2017 stands allowed and M.Cr.C. No. 6264/2017 stands allowed only so far as Applicant No.2-Ram Kumar Singh is concerned.

12. It is ordered that the Applicants in M.Cr.C. No. 6256/2017 and Applicant No.2 in M.Cr.C. No. 6264/2017 shall be released on bail on each of them furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for their appearance as and when directed.

13. So far as Applicant No.1-Manoj Singh in M.Cr.C. No. 6264/2017 is concerned, his bail application stands dismissed as not pressed.

Sd/-
(P. Sam Koshy)
Judge

/sharad/