

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 6314 OF 2017

1. Laxmi Narayan, S/o Horilal Bareth, aged about 55 years, R/o Village- Bar, Police Station- Sariya, Tahsil- Baramkela, District Raigarh (C.G.)
2. Phul Kumari, D/o Laxmi Narayan Bareth, aged about 33 years, R/o Village- Bar, Police Station- Sariya, Tahsil- Baramkela, District Raigarh (C.G.)

... Applicants

Versus

State of Chhattisgarh, through Station House Officer, Police Station- Sariya, District Raigarh (C.G.)

... Respondent

For Applicants	:	Mrs. Indira Tripathi, Advocate.
For Respondent-State	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/11/2017

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicants who are in jail since 27.6.2017 in connection with Crime No.61/2017 registered at Police Station- Sariya, District Raigarh, for the offence punishable under Sections 304-B/34, 498-A of IPC and Sections 3 & 4 of the Dowry Prohibition Act.
2. It is a case where the deceased-Sumati Bareth had committed suicide by setting herself ablaze on 1.5.2017.
3. The present Applicants are father-in-law and sister-in-law of the deceased. Allegation against the present Applicants as per the prosecution is that the Applicants along with the husband of the deceased, namely, Venudhar, is said to have subjected the deceased to ill-treatment, torture and cruelty on demand of dowry.
4. Learned Counsel for the Applicants submits that perusal of case diary would reflect that the witnesses who have deposed during the course of investigation, i.e., the father and mother of the deceased and the

neighbour of the parents of the deceased, all have made general and omnibus statement making vague allegations against the Applicants with no specific details of any overt-act on the part of each of the Applicants and therefore the Applicants deserve to be released on bail.

5. Learned Counsel for the State however opposing the bail application submits that the witnesses have deposed against the Applicants of harassment, ill-treatment, torture and cruelty against the deceased which forced her to commit suicide and that there is also a dying declaration recorded on the same day when the deceased was admitted, and thus prayed for the rejection of the bail application.

6. Having heard the submissions put forth on either side and on perusal of record, this Court finds that so far as the sister-in-law i.e. Applicant No.2-Phul Kumari is concerned, prima facie, there is no direct or indirect allegation levelled against her and that so far as the father-in-law i.e. Applicant No.1-Laxmi Narayan is concerned, it is only vague, omnibus and general allegation which has been made against him.

7. Considering the entire facts and circumstances of the case and also taking note of the period of custody already undergone by the Applicants, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicants.

8. Accordingly, the application for grant of bail is allowed. It is ordered that the Applicants 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.

Sd/-
(P. Sam Koshy)
Judge