

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6592 of 2017

1. Dharamdas S/o Late Gurucharan Patel Aged About 45 Years R/o Village Saraipali, Police Station And Tahsil Baramkela Sarangarh, Tahsil Sarangarh, District Raigarh, Chhattisgarh.
2. Laibani Patel W/o Dharamdas Patel Aged About 42 Years R/o Village Saraipali, Police Station And Tahsil Baramkela, Sarangarh, Tahsil Sarangarh, District Raigarh, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Baramkela, Civil And Revenue District Raigarh, Chhattisgarh.

---- Respondent

For Applicants	:	Shri Manoj Kumar Jaiswal, Advocate
For State	:	Shri Manish Nigam, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

08/12/2017

Heard.

1. The applicants have been arrested in connection with Crime No.533 of 2017 registered at Police Station- Baramkela, District Raigarh (C.G.) for the alleged commission of offence under Section 304-B read with Section 34 IPC.
2. Case of the prosecution, in brief, is that the applicants and the co-accused (husband of the deceased) committed cruelty in connection with demand of dowry due to which applicants' daughter-in-law consumed poison on 1.3.2017 and thereafter died on 24.3.2017 in suspicious circumstances.
3. Learned counsel for the applicants would submit that allegation of cruelty in connection with demand of dowry is an afterthought story. He would submit that neither at the time when the daughter-in-law was admitted in the hospital

nor at the time of her death any report was lodged in the police station or in any other forum alleging that there was demand of dowry. He would further submit that even after death on 24.3.2017, no allegation was made and FIR was lodged after 4 months, on 27.7.2017 and making allegation for the first time. He would submit that the applicants are mother-in-law and father-in-law and the allegation against the present applicants are general in nature and without any specific incident. The applicants are not likely to tamper with the prosecution witnesses or abscond, therefore, the applicants may be released on bail.

4. On the other hand, learned counsel for the State has opposed the bail application and submits though there was some delay in lodging FIR, there are specific allegation against all the applicants that the applicants and co-accused used to harass and threaten the daughter-in-law to kill if she does not bring sufficient dowry. Therefore, the applicants are not entitled to grant of bail.
5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration the submission that the daughter-in-law is alleged to have consumed poison on 1.3.2017, she died on 24.3.2017 and till that time, no report was lodged and further that even after death, no report was lodged and FIR came to be lodged after more than 4 months of the incident, the application is allowed.
6. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge