

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 6742 OF 2017

1. Akhil Yadav, aged about 30 years, S/o Laxmi Narayan Yadav
2. Smt. Pramila Yadav, aged about 46 years, W/o Laxmi Narayan Yadav

Both R/o Village Kurud, Police Station Mandir Hasaud, Tahsil Arang, District Raipur (C.G.)

... Applicants

versus

State of Chhattisgarh, through : Station House Officer, Police Station-Mandir Hasaud, District Raipur (C.G.)

... Respondent

For Applicant : Mr. M.K. Dube, Advocate.

For Respondent-State : Mr. Gary Mukhopadhyay, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/12/2017

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 19.5.2017 in connection with Crime No.157/2017 registered at Police Station- Mandir Hasaud, District Raipur, for the offence punishable under Section 304-B/34 of IPC.

2. Allegation against the Applicants as per the prosecution case is that the Applicants is said to have subjected the deceased to ill-treatment, torture and cruelty and on the frustration the deceased ultimately committed suicide on 2.5.2017 by setting herself ablaze after pouring kerosene.

3. Learned Counsel for the Applicants submits that except for bald and general allegations of demand of dowry and cruelty and harassment, there is no specific allegation made against the Applicant whatsoever. He further submits that on the contrary it is a case where the Applicant No.1-Akhil Yadav is said to have rushed to the spot and tried to save the victim when she was burning.

4. Learned Counsel for the State however opposing the bail application submits that earlier also there was an incident of ill-treatment and torture which ultimately was settled by way of a mutual negotiation between the elders of the family and society and subsequently also there are materials available in the case diary to show that there was a constant fight between the Applicants and the deceased and one of the witnesses, a neighbour, also has stated of a dispute having taken place on the date of incident between the deceased and Applicant No.2-Smt. Pramila Yadav, mother-in-law of the deceased.

5. Having considered the submissions put forth on either side and on perusal of the statements recorded during the course of investigation, prima facie, it appears that the allegations made are all general and omnibus and there is no specific allegation particularly of ill-treatment, torture or cruelty by the Applicants to the deceased soon before the incident. This Court thus is of the opinion that prima facie a strong case is made out for grant of bail to the Applicants.

6. Accordingly, the bail application 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