

## **HIGH COURT OF CHHATTISGARH, BILASPUR**

### **MCRC No. 74 of 2017**

1. Ganpati S/o Sammelal Nishad Aged About 33 Years R/o Village Jaitpur, Police Station Sarsiva, District Balodabazar- Bhatapara, Chhattisgarh.
2. Sammelal S/o Khusaru Nishad Aged About 62 Years R/o Village Jaitpur, Police Station Sarsiva, District Balodabazar- Bhatapara, Chhattisgarh.
3. Dilesh Nishad S/o Sammelal Nishad Aged About 20 Years R/o Village Jaitpur, Police Station Sarsiva, District Balodabazar- Bhatapara, Chhattisgarh.

**--- Applicants**

### **Versus**

- State of Chhattisgarh through Station House Office, Police Station Sarsiva, District Balodabazar- Bhatapara, Chhattisgarh.

**---- Respondent**

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For Applicants : Mr. Raghavendra Pradhan, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer  
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**Hon'ble Shri Justice Goutam Bhaduri**

### **Order On Board**

**18/1/2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.107/2016 registered at Police Station- Sarsiva, District Balodabazar- Bhatapara (C.G.) for the offence punishable under Section 304-B/ 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 11.03.2016 the deceased Meena died in unnatural circumstances by burn injuries within 4-5 years of her marriage and she was married to Lakhpati prior 4-5 years of the date of incident. It is alleged that the present applicant and other co-accused have treated the deceased with cruelty on account of such cruel treatment the deceased committed suicide.

3. Learned counsel for the applicant would submit that applicant No.1 Ganpati is brother-in-law, applicant no.2 Sammelal is father-in-law and applicant no.3 Dilesh Nishad is brother-in-law of the deceased. It is submitted that only omnibus allegations have been made against the present applicants and the main allegations have been attributed to the husband and the instant petition is not by the husband. He further submits that similarly placed accused Smt. Charo Bai has been enlarged on bail by this Court in M.Cr.C.No.7756/2016 on 08.12.2016, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail. However, he do not dispute the fact that similarly placed co-accused has been enlarged on bail by this Court in M.Cr.C.No. 7756/ 2016.
5. Perused the case diary, documents and the statement of Devcharan, father of the deceased.
6. Taking into the nature of allegations levelled against the applicants as also the fact that similarly placed co-accused has been enlarged on bail by this Court, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and it is directed 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 each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

**Sd/-**  
**(Goutam Bhaduri)**  
Judge