

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 246 of 2017

- Smt. Kumari Bai W/o Ramkumar Deshlahra, Aged About 45 Years
R/o Village- Khangarpath, Police Chowki- Kandraka, Police Station-
Berla, District- Bemetara Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Police Station- Berla, District- Bemetara
Chhattisgarh. --- **Respondent**

For the applicant : Mr. P.P. Sahu, Advocate
For the Respondent : Mr. Avinash Mishra, Panel Lawyer

MCRC No. 339 of 2017

- Aatmaram Banjare S/o Charan Banjare Aged About 22 Years R/o
Khangarpat, Police Chauki- Kandarka, Thana- Berla, District
Bemetara, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh Through Thana- Berla, District- Bemetara,
Chhattisgarh --- **Respondent**

For the applicant : Mr. Anil Gulati, Advocate
For the Respondent : Mr. Avinash Mishra, Panel Lawyer.

Hon'ble Shri Justice GOUTAM BHADURI

Order on Board

03.02.2017

1. These are two bail applications filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 363/2016 registered at P.S. Berla, Distt. Bemetara (C.G) for the offence punishable under Sections 304-B & 109/34 of IPC. Since both these bail applications are relating to the same crime number, they are decided by this common order.
2. The S.D.O(P) Berla Shri R.S. Dwivedi is present in person along-with original case diary.
3. According to the prosecution, one Sumita died in unnatural

circumstances by setting herself ablaze on 29.10.2016. She was married to one Kamlesh, son of applicant Kumari Bai on 26.09.2016. Thereafter she was subjected to torture for demand of dowry by family members as also the neighbors. Consequently she died in unnatural circumstances within 7 years of marriage.

4. Learned counsel for the applicants would submit that applicant Smt. Kumari Bai is mother-in-law and applicant Atmaram Banjare is neighbor and only general allegations have been attributed to these applicants and the deceased was happily living with Kamlesh as earlier she was in love relations with him, therefore, the applicants may be enlarged on bail.
5. Per contra, learned State Counsel opposes the bail application.
6. Perused the statement of Ram Sewak, father of deceased as also the statement of one of the neighbors Janaki Bai who went to the spot immediately after the incident and her merged statement was recorded on 09.11.2016. As per the statement of Janaki Bai, nothing has been attributed to any one which was disclosed by the deceased. Taking into such statement, without any further observation on merits of the case, I am inclined to release the applicants on bail.
7. Accordingly, these applications are allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE