

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 912 of 2017

- Babulal S/o Bodhram Aged About 60 Years Caste- Chandra, R/o Village Akalsara, Police Station Baradwar, District- Janjgir- Champa, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through District Magistrate, Janjgir, District - Janjgir- Champa, Chhattisgarh. --- **Respondent**

MCRC No. 913 of 2017

- Laxmin Bai W/o Babulal Aged About 55 Years Caste- Chandra, R/o Village Akalsara, Police Station Baradwar, District- Janjgir- Champa, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh Through District Magistrate, Janjgir District Janjgir- Champa, Chhattisgarh --- **Respondent**

For the applicants	:	Mr. V.C. Ottalwar & Mr. Ishwar Jaiswal, Advocates
For the Respondent	:	Mr. D.R. Minj, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.02.2017

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. 51/2017 registered at P.S. Baradwar, Distt. Janjgir Champa (C.G) for the offence punishable under Sections 302 & 498 IPC. Since both these applications are relating to the same crime number, they are being decided by this common order.
2. As per the prosecution case, Khageshwari Bai was married to Malik Ram, son of the applicants. It is alleged that the applicants and other accused demanded dowry and subjected the deceased to torture. It was reported by the

present applicants that Khageshwari Bai is not well and thereafter when she was taken to hospital, she was declared dead. In MLC it was stated that she was subjected to strangulation. It is alleged that the applicants who are father-in-law and mother-in-law along-with their son have strangled the deceased on 28.10.2016, thereby the offence has been committed.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated and there is no evidence against the present applicants to show that they have killed the deceased and only on presumption, the applicants have been implicated, therefore, the applicants may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements of Gowrilal and Hem Prasad wherein it is stated that the applicants have disclosed that Khageshwari Bai deceased has vomited and while she was taken to the hospital, this fact was disclosed. The postmortem report shows that the death was due to manual strangulation. Considering such facts and circumstances of the case and the PM report and the fact that the applicants were also the inmates of the house wherein the offence took place, I am not inclined to allow these bail applications. Accordingly both these applications are rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**