

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1048 of 2017

1. Rahul Prasad Tiwari, S/o. Shri Govind Prasad Tiwari, Aged About 35 Years.
2. Smt. Taruna Tiwari, W/o. Shri Govind Prasad Tiwari, Aged About 54 Years.

Both are R/o. Aditya Nagar, Police Station Mohan Nagar, District Durg, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station Monan Nagar, District-Durg, Chhattisgarh.

---- Respondent

For Applicants : Mr. Malay Kumar Bhaduri, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/03/2017

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.501/2016 registered at Police Station- Mohan Nagar, Durg (C.G.) for the offence punishable under Sections 304-B/34 of Indian Penal Code.
2. As per the prosecution case, one Sikha Tiwari died on 03.10.2016 by hanging, she was married to Nitish Tiwari on 04.02.2013 and she was subjected to torture for demand of dowry. Consequently, it is the case of the prosecution that within seven years of marriage, she died an unnatural death and the applicants who are brother-in-law and mother-in-law committed crime alongwith the husband.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated and only general and omnibus allegations have been alleged against the present applicants and the main allegation is attributed to the husband, therefore, the applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the witnesses and the merged statement of Praful Tiwari & Sourabh Tiwari. Considering the same and taking into the nature of allegation against the present applicants and the fact that the charge sheet has been filed, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on 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