

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1872 of 2017**

1. Bharatlal Verma Son of Lakhan Lal Verma aged 42 years.
 2. Satrugan Verma, son of Lakhan Lal Verma, aged 40 years
- Both are R/o village Kumhari, Thana Kharora, Tahsil Tilda, Distt.
Raipur CG

---- Applicants

Versus

State Of Chhattisgarh through Police Thana Kharora, Distt. Raipur (CG)

---- Respondent

For applicant	Mr. Anand Pratap, Adv.
For Respondent/State	Mr. Neeraj Sharma, Dy. GA

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****04/04/2017**

1. Heard finally.
2. The applicants have preferred this application for grant of bail as they are arrested on 28-12-2016 in connection with Crime No. 414/2016 registered in PS Kharora, Distt. Raipur for offence punishable under Section 306 and 201 of the IPC. Charge sheet has been filed on 25-1-2017 before the JMFC, Raipur.
3. Learned counsel for the applicants submits that applicant No. 1 is elder brother of the husband of the deceased Radhabai, applicant No. 2 is husband of the deceased who committed suicide after a lapse of 17 years of marriage having 3 children by setting herself ablaze. The applicants are in jail since 28-12-2016. The matter is pending before the 1st Additional Sessions Judge to the Court of 4th Additional Sessions Judge, Raipur, CG. Other co-accused Lakhanlal Verma, Mehtarin Bai Verma are father-in-law and mother-in-law of the deceased and have already been released on bail vide order dated 27-2-2017 in MCRC No. 909/2017. In the present matter provisions of Section 113-A of the Evidence Act are not applicable. There is no

material to demonstrate the involvement of the present applicants for any of the limb of Section 107 of the IPC. The witnesses i.e. children of the deceased and applicant No. 2 have stated that element of cruelty by A-2 to the deceased was only to the extent of scolding. With this the applicants have a good case for grant of bail. Hence they may be enlarged on bail.

4. Per contra, learned State counsel opposed the arguments advanced and submits that on account of toucher and cruelty committed by the applicant No. 2 the deceased committed suicide by torching herself. Hence bail may be rejected.
5. Perused the case diary including the statement recorded under Section 161 of Miss Gunja Verma, Miss Jaya Verma and Ajay Verma, children of the deceased and A-2. On entire consideration of the evidence adduced against the applicants and also with the fact that after 17 years of marriage the incident happened, the applicants are in jail since more than 3 months, provisions of Section 113-A of the Evidence Act are not attracted in the matter, I am inclined to allow the bail application.
6. Consequently, instant MCRC is allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs. 40,000/- with one solvent surety of the like sum to the satisfaction of the concerned trial Court for their appearance before the said trial Court till disposal of the trial regularly as and when directed by the said Court.
7. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this court or the Hon'ble Apex Court Court intentionally, (ii) the applicants

do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature: (iv) the trial Court finds that the applicants remain absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Pathak