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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2908 of 2017

- Smt. Radha Bai S/o W/o Late Shri Tirath Singh Rajput, Aged About 69 Years, R/O Ramsagar Para Near Risaimata Temple Dhamtari, Police Station City Kotwali Dhamtari, Tehsil & District- Dhamtari, Chhattisgarh.
- Smt. Shaila Bai W/o Chaitnya Singh Rajput, Aged About 40 Years, R/O Ramsagar Para Near Risaimata Temple Dhamtari, Police Station City Kotwali Dhamtari, Tehsil & District- Dhamtari, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through the Inspector, Police Station City Kotwali Dhamtari, District- Dhamtari, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Abhishek Sinha, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

27-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.442/2016 on 03-4-2017 by P.S. City Kotwali Dhamtari, District- Dhamtari, C.G. for the offence under Section 304B, 498A/34 of the IPC. After investigation police had filed the charge sheet which is pending before the CJM Dhamtari, C.G. Learned counsel for the applicants is not aware of the criminal case number. It is submitted on behalf of the applicants that applicant No.1 is aged about 69 years. Marriage of deceased Smt. Neera Rajput was solemnized with co-accused Devi Singh who has not filed his petition to release him on bail after his arrest. There is no issue out of the wedlock. On 01-12-2015 the deceased, wife of Devi Singh committed suicide. The the applicants are in jail since long and as per the facts surfaced the deceased was having schizophrenia that is why in the merg enquiry no cognizable offence was noticed by the police. Thereafter, there was re-enquiry/investigation in the matter. Family members have not alleged anything

against the applicants. The deceased had tendency of suicide as per medical jurisprudence as in schizophrenic matter. Applicant No.1 is old lady. The applicants will follow the directions of the Court, will not misuse the liberty. Trial may take some time. The applicants may be enlarged on bail during trial.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants and would submit that present applicants and co-accused Devi Singh had preferred MCRCA No.1328/2016 which was dismissed by this Court on 29-03-2017. During the merger enquiry and statement under Section 161 of the Cr.P.C. Shankar Singh Bais, Pitambar Bais, Malati Devi, Kamta Prasad Bais, Sevati Bais, family members and parents of the deceased stated mental cruelty and torture with the deceased and also demand of dowry Rs.50,000/- by co-accused Devi Singh. Father of the deceased sent written report for investigation and appropriate cognizance. On the basis of said written report, FIR was lodged and ultimately after investigation charge sheet has been filed.

4. Perused the entire material.

5. As within a period of 7 months of the marriage the deceased committed suicide, after consideration of the statements of the family members and parents of the deceased and other facts collected during the investigation, I am not inclined to grant bail to the applicants. Consequently, the instant MCRC is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge