

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3642 of 2017

- Sandeep Nirmalkar S/o Sukhdev Prasad Nirmalkar, Aged About 30 Years
R/o Awaspara Barela, Police Station Jarhagaon, District Mungeli,
Chhattisgarh.
- Ravindra Nirmalkar S/o Sukhdev Prasad Nirmalkar, Aged About 23 Years
R/o Awaspara Barela, Police Station Jarhagaon, District Mungeli,
Chhattisgarh.

---- Petitioners

Versus

- State Of Chhattisgarh Through Station House Officer, Jarhagaon,
District Mungeli, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Ajay Ayachi, Advocate
For Respondent/State	:	Mr. Anant Bajpayi, Panel Lawyer.

Hon'ble Shri Rajendra Chandra Singh Samant

Order On Board

27/11/2017

1. Heard the matter finally.
2. 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 on 11.01.2017 in connection with Crime No. 16/17 registered at Police Station – Jarhagaon, (C.G.), for the offence punishable under Section 498 (A) and 304 (B) of the Indian Penal Code.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. On date of incident, Morgue inquiry was conducted by the Executive Magistrate and on the same date the parents and other relatives of the deceased did not make allegations against the applicants and other regarding demand of

dowry. It was after deliberation and concoction the written complainant was filed on 04.08.2015 in the police station and on the basis of the same, the FIR has been lodged. It is submitted that the co-accused persons in this case have been granted bail by the Co-ordinate Bench of this Court in MCRC No. 2493/2017 vide order dated 03.05.2017. Hence, it is prayed that the present applicant have the similar case and they may be enlarged on bail.

4. Learned State counsel opposes the bail application and the submission made in this respect. It is submitted that the compliant , FIR and the statement witness clearly disclose that applicants were subjecting the deceased to cruelty for demand of dowry, on account of which she died un-naturally within seven years of marriage and therefore, the appliants are not entitled for grant of bail.
5. Heard counsel for the party and perused the case diary.
6. The facts of the case are that marriage of applicant No. 1 and Ranu Nirmalkar was performed on 22.05.2015. On the intervening the night and 15/16 July, 2017 the deceased committed suicide by hanging herself. After morgue inquiry and on the basis return complaint filed by father of deceased, the FIR was lodged. Charge sheet has been filed after completion of the investigation and the case is before the trial Court.
7. Considering the submission and the contents of the case diary and the facts that charge-sheet has been filed, the co-accused have been granted bail and the present applicants also have the similar case as that of the co-accused, in the considered view of this Court, applicants are entitled for grant of bail in the present case.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.

9. It is directed that the applicant shall be released on bail on each of them furnishing a personal bond for a sum of Rs. 25,000/- with on surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge