

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3746 of 2017

1. Meera Patel, W/o Ramratan Patel, Aged About 58 Years, Occupation House Wife, By Caste Aghariya.
2. Ramratan Patel S/o Baijnath Patel, Aged About 65 Years Caste Aghariya,

Both are R/o Village Kanchanpur, Tahsil & Police Station Baramkela, District Raigarh (CG)

---- Applicants (In Jail)

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Baramkela, District Raigarh (CG)

---- Respondent

For Applicants	:	Shri Awadh Tripathi, Advocate
For Respondent	:	Shri Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

14/06/2017

1. The applicants have preferred this application under Section 439 Cr.P.C. for grant of regular bail as they are in custody since 24.3.2017 in connection with Crime No.88/16 registered at Police Station Baramkela, District Raigarh (CG) for the offence punishable under Sections 304B & 201/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the present applicants along with husband of the deceased have subjected the deceased to ill-treatment, torture and harassment for demand of dowry and later on, she was found dead in suspicious circumstances at her matrimonial house within two months of her marriage. In the post-mortem examination the actual cause

of death of the deceased could not be ascertained so viscera was preserved for analysis and the report of viscera shows that some insecticide was found. After receipt of the viscera report, on 4.11.2016 for the first time a report was lodged by the father of the deceased and thereafter his statement was recorded on 8.11.2016 based on which offence has been registered against the accused persons.

3. Learned counsel for the applicants submits that the date of incident is 19.6.2016 and on that day itself Merg was registered and during merg panchanama the family members of deceased i.e. father & grandfather, were present all along but they did not make any allegation against the applicants. He further submits that the deceased died just within two months of her marriage and therefore it cannot be said that she was subjected to cruelty by the present applicants for or in connection with the demand of dowry. According to the applicants, the marriage took place on 28.4.2016 and the deceased died on 19.6.2016. He further submits that a plain reading of the statement of the father of the deceased would reveal that the allegations levelled against the applicants are general & omnibus in nature and no specific allegation has been made against any of them.
4. On the other hand, learned counsel for the State has opposed the bail application and submitted that conduct of the applicants itself smacks malafide for the reason that the present applicants have made a false statement to the father of the deceased in respect of her illness and also informed him that she was taken to the hospital where treatment was given to her. However, as per report of the doctor of the concerned hospital, the deceased was brought dead to the hospital and no treatment was given to her. He further submits that statement of the father of the deceased reflects that there was a constant demand of four wheelers from

the side of the accused persons and non-fulfilment of which perhaps has resulted in the death of deceased. Therefore, he prays for rejection of the bail application.

5. Considering the rival contentions put-forth by the either side and on perusal of material on record, it is apparent that the allegations levelled against the applicants are general in nature and no specific allegation has been made against any of the applicants. Moreover, the FIR in respect of cruelty and demand of dowry was made by the father of the deceased on 4.11.2016 i.e. almost after about five months from the date of incident and during this period there was no complaint whatsoever. Taking into consideration the entire facts situation of the case, in particular the duration of married life of the deceased i.e. two months only, this Court is inclined to release the applicants on regular bail.
6. Accordingly, the bail application is allowed. It is directed that on applicants' furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the Court below concerned, they be released on bail for their appearance before the Court below concerned as and when directed.
7. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge

roshan/-