

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4044 of 2017**

1. Raju Singh S/o Lachhan Singh (Wrongly Written As Lachchhan Singh), Caste Satnami, Aged About 22 Years, R/o House No. 23/4, S E C L Colony Banki Mongra, Police Station Banki Mongra, District Korba, Chhattisgarh.
2. Rajkumar Satnami S/o Lachhan Singh Satnami Aged About 35 Years R/o Village Kudari Para Banki Mongra, Police Station Banki Mongra, District Korba, Chhattisgarh.

---- Petitioners**Versus**

State Of Chhattisgarh Through The District Magistrate Korba, District Korba, Chhattisgarh.

---- Respondent

For the Petitioners	:	Shri K.A. Ansari, Senior Advocate with Shri Devesh G. Kela, Advocate.
For the Respondent/State	:	Shri O.P. Sahu, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.11.2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.67 of 2017, registered at Police Station – Banki Mongra, District – Korba, Chhattisgarh for the offence punishable under Sections 498-A/ 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants are in jail since 25.5.2017. The applicants are innocent and have been falsely implicated in this case. Deceased – Pramila Singh was wife of applicant No.1. She died just six months after her marriage because of pneumonia

and other infections, which was a natural death. A false complaint has been given by in-laws of applicant No.1, on the basis of which, the case has been registered and the charge-sheet has been filed against them. The case is triable by the Judicial Magistrate First Class and the co-accused in this case has been granted bail. Hence, it is prayed that the applicants may also be benefited with grant of bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that serious allegations have been made against the applicants in this case about subjecting the deceased to torture and cruelty, whose death has been unnatural within a period of six months from her marriage. Hence, it is prayed that the applicants are not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. As per the case against the applicants, marriage of applicant No.1 – Raju Singh with deceased Pramila Singh took place on 20.5.2016 and the deceased died on 6.12.2016. Merg was registered. In the merg enquiry, it has been found that the deceased has died due to pneumonia and other infections. The case has been registered against the applicants on the basis of the allegations made by in-laws of applicant No.1 in this case.

6. Considering the submissions made and as per the contents of the case diary, the fact that co-accused has been granted bail and the case is triable by the Judicial Magistrate First Class, no purpose would be served if

the applicants were kept in detention for the whole period of trial. Hence, this application is allowed.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

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

Sd/-

(Rajendra Chandra Singh Samant)
Judge