

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4443 of 2017

1. Krishna Kumar Jaiswal, S/o. Pyaare Lal Jaiswal, aged about 60 years,
2. Smt. Kamla Jaiswal, W/o. Krishna Kumar Jaiswal, aged about 55 years,
Both R/o. Ward No.13 Near Bridge, Main Road, Lormi, District – Mungeli (C.G.)

----Applicants

Versus

State of Chhattisgarh, Through : The Police Station -Lormi, District- Mungeli, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Ravish Verma & Mr. Ashutosh Trivedi, Advocates
For Respondent/State	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30/10/2017

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 on 03.05.2017, in connection with Crime No.156/2017, registered at Police Station – Lormi, District – Mungeli (C.G.) for the offence punishable under Section 304(B) read with Section 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicants have been falsely implicated in this case. After filing of the charge-sheet, main witnesses have been examined before the trial Court and none of the witnesses have given this statement that

applicants had been instrumental in treating with cruelty the deceased for demand of dowry. Applicants are in custody since 03.05.2017, hence prayed that applicants may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that while committing suicide, the deceased left a suicide note, in which she has held responsible the applicants, who are father-in-law and mother-in-law and her husband for her death, hence, the applicants are not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The deceased Annapurna Jaiswal was daughter-in-law of the applicants. The marriage of deceased with son of the applicants were performed three years prior to the date of incident. Deceased committed suicide by hanging herself on 01.05.2017. Police Station – Lormi registered morgue intimation and made enquiry, consequent to which FIR has been lodged and after investigation, the applicants have been prosecuted.
6. Considering the submissions made and the contents of the case diary and the alleged suicide note seized from the spot of the incident, taking into consideration this fact that said suicide note has not been subjected to any examination by hand-writing expert neither any investigation has been done in this direction, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram