

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4405 of 2017

1. Netram Patel, S/o. Jagatram Patel, Aged About 52 Years,
 2. Smt. Mantarin Bai, W/o. Netram Patel, Aged About 50 Years,
- Both are R/o. Daihandih, Thana Sahaspur Lohara, District Kabeerdham Chhattisgarh (Surname Wrongly Mentioned In Order Sheet)

----Applicants

Versus

State Of Chhattisgarh, Through : Thana Sahaspur Lohara, District Kabeerdham Chhattisgarh

---- Respondent

For Applicant : Mr. Samir Singh, Advocate

For Respondent/State : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

25/10/2017

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 08.05.2017, in connection with Crime No.35/2017, registered at Police Station – Sahaspur Lohara, District – Kabeerdham (C.G.) for the offence punishable under Section 304-B/34 of the Indian Penal Code and Section 4 and 5 of Tonhi Pratadna Nivaran Act, 2005.
2. It is submitted by the learned counsel for the applicants that the applicants are father-in-law and mother-in-law of the deceased Smt. Heera Bai. The marriage of deceased Heera Bai and son of the

applicant – Santosh Patel was performed on 20.04.2016. The deceased committed suicide on 23.01.2017 by hanging herself. After conducting the morgue enquiry, FIR has been lodged against the applicants and their son on the basis of which, they have been detained. It is submitted that the applicants are old aged persons and they have been falsely implicated in this case. Trial in this case is commenced and main witnesses of the prosecution case i.e. father-in-law, mother-in-law and brother-in-law have turned hostile and not supported the case of the prosecution. Under these circumstances, it is 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 the statement of the witnesses under Section 161 of Cr.P.C. levels clear allegation that they subjected the deceased to cruel treatment for demand of dowry, hence for these reasons, they are not entitled to be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. After considering the submissions of the counsel and the contents of the case diary and the documents submitted on record, this Court is of the view that no purpose would be served, if the, applicants are kept in detention for whole period of trial. Taking into such fact this Court is inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. 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.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram