

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**(Single Bench : Hon'ble Shri Justice Ram Prasanna Sharma)****MCRC No. 5129 of 2017**

1. Khorbahra S/o Nathuwa, Aged About 60 Years Caste Sahu, R/o Dhodhma, Police Station Jarhagaon, Tahsil & District Mungeli, Chhattisgarh.
2. Smt. Durapati Bai, W/o Khorbahra, Aged About 56 Years Caste Sahu, R/o Dhodhma, Police Station Jarhagaon, Tahsil & District Mungeli, Chhattisgarh.

---- Applicants**Versus**

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

---- Respondent

For applicants	:	Mr. Akhil Mishra, Advocate.
For respondent/State.	:	Mr. Anil S. Pandey, Govt. Advocate.

Oral order

(Passed on 27-11-2017)

1. The applicants have preferred this application under Section 439 of the Cr.P.C. for grant of regular bail, who have been arrested on 7-6-2017 in connection with Crime No. 84 of 2017 registered at Police Station Jarhagaon, District Mungeli (CG), for the offence punishable under Section 304-B of IPC.
2. The case of the prosecution, in brief, is that deceased Prateema Sahu who is daughter-in-law of the present applicants was married to their son namely Subdhash, who is co-accused of the case. It is alleged that the marriage of the deceased and Subhash was solemnized in the year 2015 and she died of hanging, otherwise than under normal circumstances within seven years of her

marriage. It is further case of the prosecution that the applicants and co-accused harassed the deceased and thereby they committed the aforesaid offence.

3. Learned counsel appearing for the applicants submits that there is no evidence against the present applicants for harassment and case under Section 304-B of IPC is not made out against the applicants. He further submits that the applicants are in custody since 7-6-2017, therefore they may be released on bail.
4. On the other hand, learned State counsel opposing the prayer for grant of bail submits that there is prima facie evidence against the applicants, therefore, they are not entitled to be released on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Looking to the fact that the deceased died within three years of her marriage and there is prima facie evidence that the applicants and co-accused harassed the deceased and further looking to the fact that she was pregnant at the time of incident and it is for the trial Court to decide whether the offence falls under Section 304-B of IPC or any other offence, this court is of the view that the applicants are not entitled to be released on bail at this stage.
7. Accordingly, the application of the applicants for grant of bail is rejected.

Sd/-

(Ram Prasanna Sharma)
Judge

Raju