

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 6078 of 2017**

- Smt. Kusumlata Agrawal W/o Ashok Kumar Agrawal, Aged About 45 Years, R/o Near Asuthosh Tekstail Kacheri Road, Rourkela (M), Sundargarh (Odisha) (wrongly written as Ward No.16, Near Mangal Bhawan, Main Road, Raurkela, P.S. Udit Nagar, District Sundargarh (Odisha) in the order sheet)

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Nevara, District Raipur, Chhattisgarh

**---- Non-applicant**

**And**

**MCRC No. 6199 Of 2017**

- Ashok Kumar Agrawal S/o Shri Vishwanath Agrawal, Aged About 56 Years, R/o Near Asuthosh Tekstail Kacheri Road, Rourkela (M), Sundargarh (Odisha) (wrongly written as Ward No.16, Near Mangal Bhawan, Main Road, Raurkela, P.S. Udit Nagar, District Sundargarh (Odisha) in the order sheet)

**---- Applicant**

**Vs**

- State Of Chhattisgarh Through The Station House Officer, Police Station Nevara, District Raipur, Chhattisgarh

**---- Non-applicant**

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For Applicants – Shri Shailendra Dubey, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Shri A.S. Ansari and Shri Vipin Singh, Advocates for the objector.

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

**Order on Board**

**15-11-2017**

1. As both these MCRC arise out of the same crime number, i.e., Crime No.236/2017 registered at P.S. Nevara, District Raipur for the offence under Section 498(A), 304(B), 34 of the IPC, they are being decided by this common order.

2. Heard on both the applications filed under Section 439 of the Cr.P.C. These are first bail application before this Court by the applicants for regular bail. The applicants have been arrested on 23-06-2017 in connection with

aforesaid crime number and offence.

3. It is submitted on behalf of the applicants that no case is made out against the applicants on the basis of the material presented in the prosecution case against them. It is a fact that Vishal Agrawal son of both the applicants and deceased Lalita Agrawal resided in Ravan Distt. Balodabazar because Vishal Agrawal was an employee in Century Cement Plant at Tilda. There is no statement of any witness that immediately before the unnatural death of the deceased there had been any dispute or any demand of dowry. Hence, it is prayed that the applicants in both the MCRC may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications and submission made in this respect. It is submitted that death of deceased Lalita Agrawal had taken place within 7 years of marriage in unnatural circumstances. There is evidence against the applicants that they had been active in subjecting the deceased to torture and cruelty before her death and also that sign of injuries were found on the dead body of the deceased which shows that she was subjected to violence before her death. It is also submitted that the trial Court has framed charge against the applicants under Section 498A, 304B/149 and in alternative Section 302/149 of the IPC along with charge under Section 4 of the Dowry Prohibition Act. Hence, the applicants are not entitled for grant of bail.

5. Learned counsel for the objector adopts the argument advanced by learned counsel for the State/non-applicant and has submitted that according to the statement given by the witnesses, it is clearly made out that this is a case either of dowry death or of murder of the deceased. Hence, for these reasons, the applicants are not entitled for grant of regular bail.

6. Heard learned counsel for both the parties and perused the case diary.

7. As per the case against the applicants, the marriage of the deceased

and son of both the applicants namely Vishal Agrawal was performed in the year 2012. Within 7 years of marriage, on 09-06-2017 deceased Lalita Agrawal expired in suspicious circumstances and later on it was found in the FSL report that she consumed some poisonous substance. After registering the merger intimation, on the basis of statement of the witnesses in merger enquiry, the FIR was recorded against the applicants registering the offence under Section 498(A), 304(B) of the IPC and presently the case is before the trial Court.

8. The merger statement of the witnesses were recorded on 10-06-2017, in which the witnesses did not allege anything against the present applicants. It was later on when the statement under Section 161 of the Cr.P.C. was recorded on 19-06-2017, these statements were made by the witnesses that there had been demand of dowry of Rs.5 lacs and a car made by the husband and his parents and others.

9. Considering on all the statements and the merger enquiry and investigation of this case, and looking to the fact that the applicants are shown resident of Rourkela, whereas, the deceased had been residing with her husband in Ravan, Tilda, after overall consideration, I find that this is a fit case where the applicants should be enlarged on bail.

10. Consequently, the applications (MCRC No.6078/2017 and MCRC No.6199/2017) filed under Section 439 of the Cr.P.C. by the applicants are hereby allowed. 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 each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

11. Certified copy as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
Judge