

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6243 of 2017**

1. Jeevanlal Meshram S/o Late Nagoji Meshram Aged About 60 Years
Caste Mahar, R/o Behind Barphani Ashram, Jeevan Vihar Colony,
Rajnandgaon, District Rajnandgaon Chhattisgarh
2. Smt. Indrakala Meshram W/o Jeevanlal Meshram Aged About 48
Years Caste Mahar, R/o Behind Barphani Ashram, Jeevan Vihar
Colony, Rajnandgaon, District Rajnandgaon Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer North Baster
Kanker District Kanker Chhattisgarh

---- Respondent

For the Applicants : Shri H.S. Ahluwalia, Advocate.
For the Respondent/State : Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.11.2017**

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.230 of 2017, registered at Police Station – Kanker, District – North Bastar, Kanker, Chhattisgarh for the offence punishable under Section 304B read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

2. Learned counsel for the applicants submits that the applicants are in jail since 13.7.2017 and have been falsely implicated in this case. The applicants are the parents of co-accused - Hitendra Meshram. Marriage of Hitendra Meshram and deceased – Rashim was performed on 5.6.2017. In a very short time, the deceased went back to her parental home on 4.7.2017

and committed suicide on 12.7.2017 in her parental home, it was that the parents of the deceased have made false allegation against the applicants alleging that they have made demand of dowry. The trial of the case is likely to take some time for its final disposal and the applicants are ready to abide by all the conditions imposed on them. Hence, it is prayed that the applicants be enlarged on 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 there is clear statement of the witnesses in the investigation that the applicants and the husband of the deceased had demanded dowry prior to the marriage and they further continued to make demand of dowry after the marriage as well and there is also evidence that the deceased had a telephonic talk with her husband soon before she committed suicide. Hence, the applicants are not entitled for grant of bail.

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

5. The facts of the case are that the deceased hardly stayed for a month in her matrimonial home and she went back to her parental home where she committed suicide on 12.7.2017. After conducting merg enquiry, FIR has been lodged on 13.7.2017 on the basis of the statements given by the witnesses.

6. Considering the submissions made and the contents of the case diary and looking to the fact that the deceased has committed suicide in her

parental home and the only evidence on record is that she had a telephonic talk with her husband immediately before she committed suicide and there is no other evidence that the applicants had any interaction with the deceased, prior to the incident that has taken place, I am of the opinion that the present is a fit case where the applicants are entitled to be released on regular bail.

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