

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6433 of 2017

- Nirasha Bai W/o Late Shri Shyamalal Prajapati Aged About 60 Years
R/o Sambalpur, Police Station Nandghat, District Bemetara,
Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Police Station
Nandghat, District Bemetara, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. D.K. Vishwakarma, Advocate.
For Respondent/State	:	Mr. Ashok Swarnkar, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

29/11/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 224/2017, registered at Police Station- Nandghat, District – Bemetara(C.G.) for the offence punishable under Sections 304B/34 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. There is no evidence about any demand of dowry against the applicant in the prosecution case. Deceased the daughter-in-law of the applicant has 3 female children, who need to be attended and applicant is the only other female member of the family and the applicant herself is a 60 years old woman. The case against the applicant is likely to take some time

before its conclusion. Applicant is ready to abide by all the conditions imposed for grant of bail, hence, it is prayed that applicant be enlarged on bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit, that as per the statement of witnesses, there is evidence against the applicants, that soon after the marriage applicant and the husband of the deceased started torturing the deceased for demand of dowry, and on number of occasions the father of the deceased has fulfilled the demand by making payments to the applicant and the co-accused, hence, for these reasons, it is a case of dowry death because of which applicant is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. The facts of the case are these, that marriage of deceased Chandrakala and co-accused Pekhan Lal was solemnized on 9.7.2011. Deceased died on 24.8.2017, due to burn injuries on the spot. No dying declaration could be recorded, no note etc. was found on the spot at the time of incident. It was only applicant, who was present in the same house. In the morgue inquiry, the father and other relatives of the deceased stated, that soon after marriage of applicant and her son had started torturing the deceased for demand of dowry.
6. Considering the submissions made and the contents of the case diary, taking into consideration this fact that applicant is a 60 years old woman and 3 daughters of the deceased are also to be looked after and attended by some family members of the family. Only for these reasons, I am of this view that this appears to be a fit case where the applicant should be enlarged on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is

allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha