

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6818 of 2017

1. Chandrashekar S/o Maksudan Barai, Aged About 65 Years, R/o Village Jodra, P. S. Pachpedi, District Bilaspur Chhattisgarh
2. Melan Bai H/o Chandrashakhar, Aged About 60 Years, R/o Village Jodra, P. S. Pachpedi, District Bilaspur Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Panchpedhi, District Bilaspur Chhattisgarh

---- Non-applicant

For Applicants – Shri Yogesh Kumar Kurrey, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-12-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicants for regular bail. The applicants were arrested on 03-09-2017 in connection with Crime No.73/2017 registered at P.S. Pachpedi, District Bilaspur, C.G. for the offence under Section 304B, 498A, 34 of the IPC.

2. It is submitted on behalf of the applicants that the applicants are innocent and they have been falsely implicated in this case. Main allegation in this case is only against son of the applicants Vijay Bahadur Barai that he was demanding dowry and subjecting to torture the deceased, his wife Mamta Barai and she died an unnatural death within 7 years of marriage, hence, there is not substance against the applicant in the prosecution case. Hence, it is prayed that the applicants may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that statement of the

witnesses under Section 161 of the Cr.P.C. is clear and categorical against the applicants. Hence, they are not entitled for grant of bail.

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

5. Facts of the case are these that marriage of deceased Mamta Barai and accused Vijay Bahadur Barai took place on 06-05-2011 and both had one child out of their wedlock. The deceased committed suicide by hanging on 29-06-2017 within 7 years of marriage. In the merged enquiry the witnesses have stated that the deceased was subjected to torture for demand of dowry, hence, the FIR was registered and the case is before the trial Court after completion of the investigation.

6. Considered on the submissions and contents of the case diary. Keeping into consideration this fact that allegation for demand of dowry is specific against the husband of the deceased, the applicants are father-in-law and mother-in-law of the deceased who have named as co-accused in this case, hence, considering on the totality of the circumstances of this case, this Court is of the considered view that this is a fit case where the applicants should be granted bail.

7. Consequently, the application (MCRC No.6818/2017) filed under Section 439 of the Cr.P.C. by the applicants is 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 Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge