

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case (A) No.1326 of 2016**

- Smt. Chanda Mahant @ Bajarheen W/o Shri Ram Sipahi Das Mahant Aged About 40 Years R/o Near Sai Mandir, S. E. C. L., Ram Nagar, Korba, Police Chowki - Manikpur, Police Station Tahsil And District Korba Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Chowki - Manikpur, Police Station - Korba, District Korba Chhattisgarh

---- Respondent

For Applicant : Shri MK Bhaduri, Advocate
 For Respondent/State : Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****19.4.2017**

Heard the matter finally.

2. This application under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Code') has been filed by the applicant apprehending her arrest in connection with Crime No.451/2016 registered at Police Chowki Manikpur, Police Station Korba for offence punishable under Section 304(B)/34 of Indian Penal Code.

3. Learned counsel for the applicant submits that after investigation charge sheet has been filed against present applicant along with her husband and son before Additional Chief Judicial Magistrate, Korba. However, learned counsel for the

applicant is not in a position to mention the number of the criminal case and date of presentation of charge sheet and the applicant is absconding in the said matter. He further submits that husband of the applicant Shri Ram Sipahi Das Mahant has been granted bail on 19.10.2016 under Section 439 of the Code by the trial Court in Bail Petition No.611/16 and son of the applicant has been granted bail by the coordinate Bench of this court in M.Cr.C.No. 8524/2016 on 09.01.2017 under Section 439 of the Code. The applicant is innocent. As per the allegation after about 1 ½ months of marriage of deceased Varsha Singh with the son of the applicant Sandeep Das, death occurred on account of consumption of overdose of medicine. The applicant has been falsely implicated on the allegation that she used to torture and commit cruelty with deceased Varsha. FIR was lodged after 7 days of the incident, death was on account of accident, hence the applicant may be granted bail in the event of arrest.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would submit that the Police during investigation collected evidence and recorded statement of the near relatives of the deceased under Section 161 of the Code which goes to show that the deceased was subjected to torture and cruelty on account of demand of dowry. The death was other than the normal circumstances. After the merg inquiry, FIR was lodged on behalf of the State,

hence, looking to the evidence collected, prayer for bail may be rejected.

5. Perused the entire material.

6. On due consideration of the statement of the relatives of the deceased and other facts, I am not inclined to grant bail to the applicant.

7. Accordingly, the bail application filed under Section 438 of the Code is hereby dismissed.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE