

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8435 of 2016

1. Saheblal, S/o. Samaru Shrivasa, Aged About 52 Years.
2. Smt. Roopkunwar, W/o. Saheblal Shrivasa, Aged About 45 Years.

Both are R/o. Village Sakti, Police Station & Tahsil Sakti, District
Janjgir- Champa, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through District Magistrate, Janjgir, District
Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicants : Mr. Ishwar Jaiswal, Advocate.

For Respondent : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04.01.2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.257/2016 registered at Police Station- Sakti, District Janjgir-Champa (C.G.) for the offence punishable under Sections 302, 120(B), 304(B), 34 of Indian Penal Code.
2. As per the prosecution case, one Shashi Shrivasa who married to Rohit on 17.04.2016 was set to ablaze on 28.08.2016 and she died an unnatural death within seven years of marriage. It is alleged that the present applicants who are father-in-law & mother-in-law along-with husband has tortured the deceased for demand of dowry, consequently, she initially left the home and thereafter when she again joined after the meeting in the society on compromise on

27.08.2016, she was set to fire on 28.08.2016. Thereby, the offence has been committed.

3. Learned counsel for the applicants would submit that the applicants are father-in-law & mother-in-law and dying declaration of the deceased has been recorded in this case, which shows that the husband Rohit has poured Kerosene and set the deceased into fire, therefore, the allegation of killing is on Rohit and the applicants who are father-in-law & mother-in-law are not done anything, therefore, they may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. On 27.08.2016 some compromise took place in between the parties, which is also part of the record. The report dated 11.06.2016 made by the deceased also on record wherein the primary allegations is attributed against the husband and in the dying declaration the allegation of setting into fire the deceased is also on Rohit. Taking into such facts and the nature of allegation against the present applicants, which appears to be omnibus in nature, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge