

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No.2017 of 2017

1. Smt. Lalita, W/o. Shri Krishna Lal Shende, aged about 55 years,
 2. Anju Shende, D/o. Shri Krishna Lal Shende, aged about 32 years,
- Both are R/o. Ayappa Nagar, Ward No.8, Supela, Bhilai, Tahsil – Durg,
Civil and Revenue District- Durg (C.G.)

----Applicants

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Chauki
– Smriti Nagar, Police Station – Supela, Bhilai, Civil and Revenue –
District – Durg, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Parasmani Shrivastava, Advocate
For Respondent/State	: Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/04/2017

1. This is the third 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.1115/2016, registered at Police Chauki – Smriti Nagar, Police Station – Supela, Bhilai, District – Durg (C.G.) for the offence punishable under Section 304 (B), 34 of the Indian Penal Code. The first bail application was dismissed as withdrawn with liberty to repeat the same after filing of the charge-sheet vide order dated 09.01.2017 in M.Cr.C. No.8578/2016 and the subsequent bail application was dismissed on 27.02.2017.

2. As per the case of the prosecution, in brief, is that one Manju Lata was married to Ajaydeep Shende on 06.10.2015. She died in unnatural circumstances on 22.11.2016. It is alleged that she was subjected to torture for demand of dowry, consequently, she died unnatural death and the present applicant No.1, who is mother-in-law and the applicant No.2 is sister-in-law along with husband and other persons have tortured the deceased. Thereby the offence is committed.
3. Learned counsel for the applicants would submit that only on the bald allegations, the applicants have been arrested and there is no evidence on record to show that the present applicants have committed the offence. It is further submitted that the applicant No.2 was residing separately, who is sister-in-law and only omnibus allegations have been attributed. It is further submitted that the applicants are the ladies and they are in jail since 06.12.2016, therefore, the counsel prays that applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary as also the morgue statement of the relatives of the deceased. Considering the nature of allegation against the present applicants and it appears that the applicant No.2 was residing separately and further taking into the fact that the applicants are ladies and they are in jail since 06.12.2016, no further investigation is necessary, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their 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 trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram