

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2493 of 2017

1. Sukhdev Prasad Nirmalkar, S/o. Late Shri Tibla, aged about 61 years,
2. Mithla Bai, W/o. Sukhdev Prasad Nirmalkar, aged about 55 years,
3. Sanjay Nirmalkar @ Raj, S/o. Sukhdev Prasad, aged about 28 years,
All R/o. Awaspara Barela, P.S. - Jarhagaon, District – Mungeli (C.G.)

----Applicants

Versus

1. State Of Chhattisgarh : Through: Station House Officer, Jarhagaon,
District- Mungeli, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Ajay Ayachi, Advocate
For Respondent/State	: Mr. Ramakant Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/05/2017

1. This is the second 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.16/2017, registered at Police Station – Jarhagaon, District – Mungeli (C.G.) for the offence punishable under Section 498-A, 304(B) r/w. Section 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 The first bail application was dismissed as withdrawn with liberty to repeat the same after filing of the charge-sheet.
2. As per the case of the prosecution, in brief, is that the deceased Ranu Nirmalkar was married to one Sandeep Nirmalkar on 22.05.2015. It is alleged that she died unnatural death by hanging in the intervening

night of 15-16/07.2016 within 7 years of the marriage. It is alleged that the deceased was subjected to torture for demand of dowry and the present applicants along with other family members demanded Rs.1.00 lakh cash and other demand was made, consequently she committed suicide. Thereby the offence has been committed.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case and out of the wedlock child was also born. It is further submitted that the applicant No.1 is father-in-law, applicant No.2 is mother-in-law and the applicant No.3 is the brother-in-law of the deceased. It is further submitted that immediately after the incident, nothing was attributed against the present applicants and thereafter, subsequent allegations have been levelled. It is further submitted that charge-sheet has been filed and no further investigation is required, therefore, the 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, documents as also the morgue statement of Dharam Lal Nirmalkar, the father of the deceased as also the statement of Kunti Bai, mother of the deceased, which was recorded on 16.07.2016. The statement would show that no complaint was ever made by the girl which was categorical. In the subsequent statement, allegations have been made. Taking into such fact, and further taking into the nature of allegation against the present applicants, which are omnibus in nature, 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