

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4007 of 2017

1. Ganeshram, S/o. Shri Nankiram Patel, Aged About 55 Years.
2. Smt. Barbas Purheen @ Savitri Bai, W/o. Shri Madhusudan Patel, Aged About 25 Years.

Both are R/o. Village- Balouda, Thana : Gidhour- Tundra, Distt. Balodabajar- Bhatapara (Chhattisgarh).

--- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Gidhour, Distt. Balodabajar- Bhatapara (Chhattisgarh).

-- Respondent

For the Applicants : Mr. Sumit Shrivastava, Advocate

For the Respondent : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.06.2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 167/2016 registered at Police Station- Gidhour, District Balodabajar-Bhatapara (C.G) for the offence punishable under Section 304-B/34 of Indian Penal Code. The first bail application was dismissed on merit on 12.01.2017 in MCRC No.8642 of 2016.
2. As per the prosecution case, one Akshay Kumari was married to Shesh Narain in April, 2015. It is alleged that on 24.02.2016 she died an unnatural death in her house due to burn injuries and before that she was subjected to cruelty for not bringing the motorcycle and cash and she was physically assaulted. The merg

was reported to be intimidated by Ganesh Ram whereby it is stated that the deceased died due to short circuit. Subsequently, on an inquiry, it was revealed that applicant No.1 Ganesh Ram who is father-in-law and applicant No.2 Smt. Barbas Purheen sister-in-law alongwith other co-accused have demanded dowry and treated the deceased with cruelty for demand of dowry, consequently, she died unnatural death.

3. Learned counsel for the applicants would submit that few of the witnesses namely Saraswati Bai, Balad Ram & Jalbahara have been examined and they have not supported the case of the prosecution, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that as many as 14 witnesses are enlisted and out of them only 3 witnesses have been examined.
5. Perused the case diary and the documents. Considering the same and the earlier bail rejection order, I do not deem it proper to reconsider the instant second bail application only on the statement of three witnesses.
6. Accordingly, the second bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge