

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6567 of 2017

Babulal S/o Bodhram Aged About 61 Years R/o Village & Post
Akalsara, Police Station Baradwar, District Janjgir Champa
Chhattisgarh. --- **Petitioner**

Versus

State of Chhattisgarh through District Magistrate Janjgir District
Janjgir Champa Chhattisgarh. --- **Respondent**

MCRC No. 6577 of 2017

Laxmin Bai W/o Babulal Aged About 56 Years R/o Village & Post
Akalsara, P. S. Baradwar, District Janjgir Champa Chhattisgarh ----
Petitioner

Versus

State of Chhattisgarh through District Magistrate Janjgir, District
Janjgir Champa Chhattisgarh. --- **Respondent**

For the applicants	:	Mr. Devesh Kela, Advocate
For the respondent	:	Mr. Anupam Dubey, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.11.2017

1. These are two bail applications filed u/s 439 of the Code of Criminal Procedure for grant of bail to the applicants in connection with Crime No. 324 of 2016 registered at Police Station Baradwar, Distt. Janjgir Champa (C.G) for the offence punishable under sections 302, 304(B), 498-A/34 of IPC.
2. The first bail application of these applicants has been dismissed on 28.02.2017 in M.Cr.C.No.912/2017 and M.Cr.C. No. 913/2017.
3. As per the prosecution case, deceased Khageshwari Bai was married to Malik Ram, son of the applicants. It is alleged that the applicants and other accused demanded dowry and

subjected the deceased to torture. It was reported by the present applicants that Khageshwari Bai is not well and thereafter when she was taken to hospital, she was declared dead. In MLC it was stated that she was subjected to strangulation. It is alleged that the applicants who were the father-in-law and mother-in-law along-with their son have strangled the deceased on 28.10.2016, thereby the offence has been committed.

4. Learned counsel for the applicants would submit that the witnesses have not been examined and the mobile transaction/message report would show that the deceased committed suicide because of the fact that she has consumed some medicine and the omitting has caused Asphyxia.
5. Per contra, learned State Counsel opposes the bail.
6. On perusal of the record, it appears that the witnesses are yet to be examined therefore I do not find any change of circumstances in the case. So far as the mobile conversations and the cause of suicidal death of deceased are concerned, it would not be appropriate for this Court to give a finding thereof at this stage as it would amount to usurping the power of trial Court. It is for the accused to negate those facts by confronting the concerned witnesses during the course of evidence. Therefore, I am not inclined to allow these bail applications. Accordingly, the bail applications are rejected.
7. The trial Court is directed to expedite the trial taking into the age of the appellants.

Sd/-

**GOUTAM BHADURI
JUDGE**