

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 17 of 2018**

1. Narayan Devangan S/o Late Bisauharam Devangan, Aged About 59 Years R/o Village Charbhatha, Dhamtari, At Present R/o Indira Nagar, Tahsil / Thana Kurud District Dhamtari Chhattisgarh, Chhattisgarh
2. Smt. Janki Devangan, W/o Narayan Devangan, Aged About 55 Years R/o Village Charbhatha, Dhamtari, At Present R/o Indira Nagar, Tahsil / Thana Kurud District Dhamtari Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Thana Kurud, Tahsil Kurud District Dhamtari Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Samir Singh, Advocate.
For the Respondent/State	:	Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.03.2018**

Heard.

1. This is the first 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.341 of 2017, registered at Police Station – Kurud, District – Dhamtari, Chhattisgarh for the offence punishable under Section 304-B read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants are innocent and they have been falsely implicated in this case. Deceased – Devika Devangan was the daughter-in-law of these applicants. These applicants had never demanded any dowry from the deceased or her

parents. The incident had taken place on 16.3.2017 whereas the FIR was lodged on 5.9.2017, after delay of almost 6 months which itself shows that the case of the prosecution is doubtful. Hence, it is prayed that the applicants be benefited with grant of regular bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the deceased in this case has died within 7 years of her marriage under suspicious condition and there is evidence of demand of dowry soon before her death. Hence, it is prayed that the applicants are not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. Deceased – Devika Devangan got married with the son of both the applicants on 17.2.2014 and she started residing in her matrimonial home. On 16.3.2017, the deceased poured kerosene oil on her body and set herself ablaze because of which, she suffered burn injuries and died on the same day. Inquest procedure was carried out but the FIR was lodged on 5.9.2017.

6. As it appears that the statements of the witnesses about demand of dowry from the deceased and her parents have been made subsequent to lodging of FIR on 5.9.2017 about six months after the date of incident, I am of the considered opinion that in this case the applicants deserve to be enlarged on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge