

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6883 of 2017**

1. Shyamji Mourya, S/o. Late Pilluram Mourya, Aged About 67 Years,
2. Smt. Bhagwati Bai @ Bhag Bai Mourya, W/o. Shyamji Mourya, Aged About 62 Years,

Both R/o. Village -Bhojpur, P. S.- Champa, District -Janjgir Champa Chhattisgarh.
3. Smt. Girja Manhar, W/o. Budhram Manhar, Aged About 46 Years, R/o. Santoshi Nagar, Math Puraina, Raipur, P. S. - Tikrapara, Raipur, District-Raipur, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through : Police of Police Station -Champa, District – Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicants : Mr. Sumit Singh, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**15/01/2018**

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.166/2017, registered at Police Station – Champa, District – Janjgir - Champa (C.G.) for the offence punishable under Section 304-B/34 of the Indian Penal Code.

2. It is submitted by the learned counsel for the applicants that the applicants are innocent and have been falsely implicated in this case and no case is made out against them on the basis of the material on record of the prosecution case. Applicants are in jail since 19.09.2017, they are willing to abide all the conditions imposed while releasing them on bail, therefore, it is prayed that the applicants may be enlarged on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that in the suicidal note written by the deceased, she has clearly stated that the applicants are responsible for her death and they are the persons, who were demanding dowry, hence, the applicants are not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, the marriage of the deceased Reema Devi Ratre was performed with co-accused Manoj Mourya on 14.05.2017. On 03.06.2017, deceased committed suicide by hanging herself. Suicide note was recovered from the spot in which it was written that the applicants are responsible for her death. Hence, the case has been registered against the applicants and other co-accused persons.
6. Considered the submissions made and the contents of the case diary. The main allegations in the statement against the applicants are these that this fact was concealed that husband of the deceased Manoj Mourya was unemployed because of which, deceased was very much

annoyed. Later on, the statement under Section 161 of Cr.P.C. was recorded on 25.06.2017 after lapse of more than 20 days, where the other allegations against the applicants surfaced for the first time. Considering the facts and circumstances of the case, 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge