

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 1150 of 2018**

1. Smt. Ashwani Bai W/o Shri Johan Prasad Satnami Aged About 36 Years R/o Village Ghonghapara, Police Station Lalpur Tehsil Lormi District Mungeli Chhattisgarh
2. Johan Prasad Satnami S/o. Shri Aghnu Satnami Aged About 40 Years R/o Village Ghonghapara, Police Station Lalpur Tehsil Lormi District Mungeli Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Lalpur District Mungeli Chhattisgarh

----Non-applicant

For Applicants	:	Mr. Anish Tiwari, Advocate
For State	:	Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****18/04/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicants, who have been arrested in connection with Crime No. 228/2017 registered at Police Station Lalpur, District Mungeli, Chhattisgarh for the offence punishable under Section 306/34 of Indian Penal Code, 1860.
2. The present applicants are the mother-in-law and the father-in-law of deceased Sajni Bai. The applicants have been arrested on 24.10.2017 in connection with the aforesaid Crime number.
3. The allegation against the present applicants as per the prosecution story is that the present applicants have subjected the victim to ill-treatment, torture and cruelty, which forced her to commit suicide on 09.10.2017 by setting herself ablaze.

4. The contention of the applicant is that the very statement of the parents of the deceased itself would reveal that the ingredients necessary or required for making out an offence under Section 306 is not available and therefore the present applicants be released on bail. He further submits that even the allegations made are not in any manner relating to the demand of dowry or for that matter reflects cruelty in any manner and given the facts he has prayed for the applicants to be released on bail.
5. The State counsel on the contrary opposing the bail application submits that the parents have categorically stated that since the time of marriage, there has been demand of dowry made by the present applicants and on demand of dowry there has been persistent cruelty, torture and harassment, which ultimately led to the deceased to commit suicide.
6. Having heard the contentions put forth on either side and on perusal of the case diary what clearly reflects from the statement of the parents of the deceased is that they have not in any manner stated of any abatement, incitement or situation being created by the present applicants, which has led the deceased to commit suicide. Even the statement of the father of the deceased refers to some disputes that took place around two years prior to the date of incident. No immediate reference of any ill-treatment or torture was referred in the statement of the parents.
7. Given the facts and circumstances of the case, this Court is of the opinion that prima facie a strong case has been made out for grant

of bail to the applicants. Accordingly, the present application for grant of bail is allowed.

8. It is directed that the 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 Court for their appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge

Ved