

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1694 of 2018

- Kameshwar Singh S/o Shri Ram Singh, aged about 59 years,
- Krishna Pratap Singh S/o Shri Rajkumar Singh, aged about 22 years,

Both resident of B-32, Urja Nagar Gevra, Dipka, Police Station- Dipka, Distt. Korba (Chhattisgarh).

---- Applicants

Versus

- State Of Chhattisgarh Through- Police Of Police Station- Dipka, District- Korba (Chhattisgarh).

---- Non-Applicant

And

MCRCA No. 187 of 2018

- Sushma Singh, W/o Vijendra Singh, aged about 28 years, R/o Kachna Road Raipur, District Raipur (Chhattisgarh).

---- Applicant

Versus

- State of Chhattisgarh Through, Station House Officer, Police Station Dipka, District Korba (Chhattisgarh).

---- Non-Applicant

And

MCRCA No. 258 of 2018

- Rajkumari Singh W/o Kameshwar Singh, aged about 56 years,
- Khushbu Singh S/o Kameshwar Singh, aged about 25 years,

Both resident of Ward No. B-32, Urja Nagar, Gevra, Distt. Korba (Chhattisgarh).

---- Applicants

Versus

- State of Chhattisgarh Through: Station House Officer, Police of Police Station- Dipka, District- Korba (Chhattisgarh).

---- Non-Applicant

For Applicant : Mr.V. C. Ottalwar, Advocate & Mr.
Akhtar Husain, Advocate.
For Respondent/State : Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

30/04/2018

1. Heard.
2. At the outset learned counsel for the applicants submits that he wants to withdraw the application for applicant No. 1- Kameshwar Singh in MCRC No. 1694/2018.
3. Accordingly, the bail application is dismissed as withdrawn with regard to applicant No. 1- Kameshwar Singh in MCRC No. 1694/2018.
4. All these applications are being decided by this common order as they arise from the same Crime number.
5. MCRC No. 1694/2018 is the first bail application of this applicant namely- Krishna Pratap Singh filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him who has been arrested in connection with Crime No. 06/2018, registered at Police Station– Dipka, District– Korba (C.G.) for the offence punishable under Sections 304, 34 of Indian Penal Code whereas MCRC No. 187 of 2018 & MCRC No. 258 of 2018 are the first application under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with the aforesaid offences.
6. Learned counsel for the applicants submits that applicants are

innocent and have been falsely implicated in this case. As per allegation in the prosecution case, all the in-laws of the deceased were engaged for demand of dowry soon before her death. Hence, looking to the general allegation and statement made no case is made out against them, hence, it is prayed that applicants are entitled for grant of bail.

7. Learned State counsel opposes the bail application and submits that soon after the death of the deceased, the parents of the deceased have made statement that all the in-laws and husband of the deceased was subjecting her to torture for demand of dowry on numbers of occasions. Father of the deceased had gone to the matrimonial home of the deceased and paid cash amount for dowry to the husband of the deceased and also to the father of the deceased, hence, no case is made out for grant of bail to the applicants.
8. Heard both the parties and perused the case diary.
9. According to prosecution case, marriage of deceased- Shristi Singh was performed with co-accused- Ashish Singh on 18.06.2017. On 04.01.2018 the deceased committed suicide by hanging herself. The merged statement was recorded on 04.01.2018 in which the parents of the deceased made allegations against all the applicants/accused, particularly the specific allegation was made against the husband of the deceased that father of the deceased had fulfilled the demand of dowry on several occasions. Thereafter, the FIR was registered and the case has been investigated. Charge-sheet has been filed.
10. Considering the entire material present in the case diary, and looking to the submissions that the charge-sheet has already been filed against the applicants in all the cases and looking to the material

proposed against the applicants for their prosecution, it appears that applicant No. 2-Krishna Pratap Singh in MCRC No. 1694 of 2018 is entitled for grant of regular bail whereas applicant- Sushma Singh in MCRC No. 187/2018 and applicants, namely- Rajkumari Singh & Khushbu Singh in MCRC No. 258/2018 are also entitled for grant of anticipatory bail. Hence, the bail applications are allowed.

11. Accordingly, the bail applications filed under Section 439 & 438 of the Cr.P.C. are allowed.

12. It is directed that applicant-Krishna Pratap Singh in MCRC No. 1694/2018 shall be released on bail on 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 his appearance as and when directed.

13. It is directed that in the event of arrest of applicant- Sushma Singh in MCRC No. 187/2018 and applicants- Rajkumari Singh & Khushbu Singh in MCRC No. 258/2018 in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them on executing a personal bond in sum of Rs. 25,000/- each with one surety in the like sum to the satisfaction of the concerned investigating Officer. The applicants shall also abide by the following conditions:

- (i) that the applicants shall make themselves available for interrogation before the investigating Officer as and when required;
- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any

police Officer;

- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Amita