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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1419 of 2018**

1. Bhagwat Patel S/o Late Shri Prem Patel Aged About 67 Years R/o- Nishad Mohalla, Ward No. 16, Village- Dania, Post And Thana Bori, Tah-Dhamdha, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
2. Smt. Kamla Patel W/o Bhagwat Patel Aged About 61 Years R/o- Nishad Mohalla, Ward No. 16, Village- Dania, Post And Thana Bori, Tah-Dhamdha, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through- P.S.- Bori, District- Durg, Chhattisgarh.,
District : Durg, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 2255 Of 2018**

1. Rajesh Patel S/o Bhagwat Patel Aged About 42 Years R/o- Ward No. 14, Village- Daniya, Post And Police Station- Bori, Tahsil- Dhamdha, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
2. Smt. Sharda Patel W/o Shri Rajesh Patel Aged About 39 Years R/o- Ward No. 14, Village- Daniya, Post And Police Station- Bori, Tahsil- Dhamdha, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
3. Mukesh Patel S/o Rajesh Patel Aged About 22 Years R/o- Ward No. 14, Village- Daniya, Post And Police Station- Bori, Tahsil- Dhamdha, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicants**Vs**

State Of Chhattisgarh Through- Station House Officer, Police Station- Bori,
District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Vivek Sharma, Advocate.
For the Respondent/State	:	Shri Anil S. Pandey, G.A.
For the Objector	:	Shri P.K. Patel, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****30.04.2018**

1. Both these applications are being decided by a common order as they arise from the similar matter. These are the first bail applications of the

applicants 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.2 of 2018, registered at Police Station Bori, District – Durg, Chhattisgarh for the offence punishable under Section 304-B/ 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants in M.Cr.C. No. 1419 of 2018 are in jail since 25.12.2017 and the applicants in M.Cr.C. No. 2255 of 2018 are in jail since 28.1.2018 and they have been falsely implicated in these cases. After completion of investigation, the charge-sheet has been filed. No case is made out against the applicants in both the cases on the basis of the material placed before the Court by the prosecution. The trial against the applicants in both the cases is likely to take sometime and they are ready to abide by all the conditions that may be imposed on them. Hence, it is prayed that the applicants in both the cases be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that soon after the death of deceased – Suman Patel, her father filed a written complaint and on that basis FIR has been lodged registering offence against the applicants. The contents of the complaint, the FIR and the statement of the witnesses clearly shows that the deceased was subjected to torture and cruelty by her husband and in-laws for demand of dowry. Hence, for these reasons, none of the applicants deserves to be enlarged on bail.

4. Learned counsel for the Objector has adopted the arguments submitted by the State counsel and submits that the husband and in-laws are equally responsible for the unnatural death of the deceased and they were the persons who were continuously harassing the deceased for demand of dowry. Hence, the applicants in both the cases are not entitled for grant of regular bail.

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

6. The facts of the case are that the marriage of deceased – Suman Patel with applicant No.3 – Mukesh Patel in M.Cr.C. No. 2255 of 2018 was performed about 2 ½ years prior to the date of incident. The deceased consumed poisonous substance on 9.12.2017. She was admitted in the hospital for treatment but she died on 13.12.2017. On 15.12.2017, a written complaint was filed by father of the deceased which was enquired into and on that basis, FIR was lodged on 5.1.2018.

7. According to the prosecution case, husband of the deceased demanded a pulsar motorcycle as dowry and was also dissatisfied with the gifts given in the dowry for which, for which he used to harass the deceased and similar allegation has been made against the in-laws.

8. On perusal of the material present in the case-diary and the fact that the specific allegation made against the husband of the deceased whereas the allegations made against in-laws are general in nature. Hence, for these reasons, I feel inclined to grant regular bail to applicants No.1 – Bhagwat Patel and No.2 – Smt. Kamla Patel in M.Cr.C. No. 1419 of 2018 and

applicants No.1 – Rajesh Patel and No.2 – Smt. Sharda Patel in M.Cr.C. No. 2255 of 2018. The application filed by applicant No.3 - Mukesh Patel in M.Cr.C. No. 2255 of 2018 is rejected.

9. It is directed that applicants No.1 – Bhagwat Patel and No.2 – Smt. Kamla Patel in M.Cr.C. No. 1419 of 2018 and applicants No.1 – Rajesh Patel and No.2 – Smt. Sharda Patel in M.Cr.C. No. 2255 of 2018 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