

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.3054 of 2018**

1. Ayodhya Prasad Pandey & Anr. S/o Hari Prasad Pandey Aged About 58 Years
R/o Village Bhaisamuda (Saragbundiya), Distt. Korba Chhattisgarh
2. Smt. Poornima Pandey W/o Ayodhya Prasad Pandey Aged About 55 Years
R/o Village Bhaisamuda (Saragbundiya), Distt. Korba Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through The Police Station Kotwali, Korba, Distt. Korba
Chhattisgarh

---- Non-Applicant

For Applicant:	Shri Rakesh Thakur, Advocate.
For State/Non-Applicant:	Shri Anupam Dubey, Panel Lawyer.

Single Bench: Hon'ble Shri Prashant Kumar Mishra, J
Order On Board

23.5.2018

1. The Applicants have filed this application under Section 439 Code of Criminal Procedure for grant of regular bail as they are in custody since 18.03.2018 in connection with Crime No.134/2018 registered at Police Station –Kotwali, District Korba (CG) for the offence punishable under Sections 304-B, 306, 498-A/34 IPC.
2. The case diary would reveal that three days prior to the commission of suicide by deceased Nishi Pandey, the Applicants have taken her three year old daughter to the village due to which, the deceased had stopped taking food. The incident of paying 3 lacs to the Applicants is more than 2 years old. There appears to be no demand of dowry soon before her death.
3. Learned Counsel for the Applicants would submit that the Applicants have been falsely implicated in the instant case and therefore, they may be released on bail.

4. On the other hand, learned counsel for the State opposed the prayer for bail.

5. Having considered the facts and circumstances of the case, the material available on record, the fact that the Applicants are in jail since 18.03.2018, without further commenting on merits, I am inclined to release the Applicants on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C is allowed and 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 trial Court. They shall also appear before the trial Court as and when directed. It is made clear that if the Applicants involve themselves in the offence of similar nature in future, this order granting bail to the Applicants shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Prashant Kumar Mishra)
Vacation Judge