

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3735 of 2018**

1. T. Venkat Raju S/o Late T. Badrinarayan Raju Aged About 50 Years

2. T. Mahakali W/o T. Venkat Raju Aged About 45 Years

Both R/o- Aditya Nagar, Titurdih, Near Dr. Govind's House, P.S. Mohan Nagar, Tahsil and District- Durg, CG

---- **Applicants**

Versus

State of Chhattisgarh through- District Magistrate, Durg, District- Durg, CG

---- **Respondent**

For applicants	Mr. Amiyakant Tiwari, Adv.
For Respondent/State	Mr. Dheeraj Wankhede, Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****6-7-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other court.
2. The applicants have been arrested in connection with Crime No. 53/2018 registered in police station Mohannagar, Distt. Durg (CG) for offence punishable under Section 304-B, 201, 302, 120-B of IPC and Sections 3, 4 and 5 of the Prohibition of Dowry Act.
3. Prosecution story in brief is that name of the deceased is T. Mamta. Applicants are her father-in-law and mother-in-law. Name of her husband is T. Yaqub. Their marriage was performed about 1 year prior to the death of the deceased. At the time of the incident, the deceased was residing in her parental house. During the intervening night of 5-2-2018 and 6-2-2018, main

accused T. Yaqub came to her house. At about 5.30 am on 6-2-2018, her sister-in-law K. Jyoti saw that T. Yaqub had tied rope in the neck of the deceased and was tying the rope in the grill. As per the post mortem report, deceased died due to strangulation and mode of death was asphyxia. During investigation, it was found that T. Yaqub was harassing the deceased and pressurizing her for abortion. The present applicants were cooperating and not stopping T. Yaqub.

4. Counsel for the applicants argued that in the case in hand, at this stage it could be said that provisions of Section 304-B do not attract and there is no specific allegation regarding cruelty or demand of dowry on the part of the applicants. The applicants are innocent and falsely implicated hence they be released on bail.
5. On the other hand, the Panel Lawyer appearing for the State opposed the bail application and argued that at this stage, prima facie, it cannot be said that provisions of Section 304-B, IPC do not attract in the case.
6. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicants.
7. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge