

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 808 of 2018

1. Leena Dhuriya W/o Rudraprasad Aged About 58 Years Caste Kahar, R/o Kachaharipara Baikunthpur, Koriya, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh
2. Smt. Jyotsna Dhuriya D/o Late Rudraprasad Dhuriya Aged About 27 Years W/o Maoj Kumar Jain, R/o Village Katgodi, P.S. Sonhat, District Koriya, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh
3. Dushyant Kumar Dhuriya S/o Late Rudraprasad Dhuriya Aged About 32 Years R/o Kachaharipara P.S. Baikunthpur Koriya, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh
4. Smt. Ranjita Dhuriya W/o Dushyant Kumar Dhuriya Aged About 30 Years R/o Kachaharipara P.S. Baikunthpur Koriya, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Baikunthpur, District Koriya, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant : Mr. Shakti Raj Sinha, Advocate.
For Respondent : Mr. Ashok Swarnkar, Panel Lawyer.

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

23/08/2018

1. At the outset, counsel for applicants No.1 to 3(Leena Dhuriya, Smt. Jyotsna Dhuriya & Dushyant Kumar Dhuriya) seeks permission of this

Court to withdraw this application filed under Section 438 of Cr.P.C.

2. It is ordered as prayed for.
3. Accordingly, the bail application filed on behalf of applicants No.1 to 3 under Section 438 of Cr.P.C is dismissed as withdrawn.
4. The applicant No.4 Smt. Ranjita Dhuriya has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.71/2018 registered at Police Station-Baikunthpur, District – Koriya(C.G.), for the offence punishable under Section 304 B/34 of the Indian Penal Code.
5. Learned counsel for applicant No.4 submits that applicant is innocent and has been falsely implicated in this case. No case is made out against her under Section 304 B of IPC. The deceased has simply committed suicide in this case and there is no such statement given by any of the witnesses to make out any case against this applicant. Hence, it is prayed that applicant may be enlarged on anticipatory bail.
6. Learned State counsel opposes the bail application and the submissions made in this respect.
7. Heard both the parties and perused the case diary.
8. The deceased Mohini Manjhi and co-accused Sambarth Kumar performed love marriage on 7.10.2017 in a temple. Subsequent to that there marriage was accepted by the family members of her husband and some rituals were also performed later on. According to the morgue intimation, deceased committed suicide by jumping into a well on 8.4.2018, thereafter, in the morgue inquiry and in the investigation in this case, there is no specific allegation made by any of the witnesses that there had been any demand of dowry.

9. After due consideration on all the material present in the case diary, I am of this view that this is a fit case where the applicant No.4 should be enlarged on anticipatory bail.

10. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant No.4 in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant No.4 shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge