

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4442 of 2018**

Rajgir S/o Kalyan Goswami Aged About 36 Years Caste- Goswami, R/o- Village- Kirari, Police Station And Tahsil- Akaltara, District- Janjgir-Champa, Chhattisgarh, At Present Resident Of Balco, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station- Akaltara, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 4665 Of 2018**

1. Smt. Shyama Bai W/o Kalyan Goswami Aged About 50 Years R/o- Village- Kirari, Police Station And Tahsil- Akaltara, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. Kalyan Gir Goswami S/o Mangal Gir Goswami Aged About 55 Years R/o- Village- Kirari, Police Station And Tahsil- Akaltara, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Applicants**Vs**

State Of Chhattisgarh Through- Station House Officer, Police Station- Akaltara, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicants : Shri Vimal Kumar Tondey, Advocate.
For the Respondent/State : Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.07.2018**

Heard.

1. Both these applications are being decided by this 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.45 of 2018, registered at Police Station Akaltara, District – Janjgir-Champa, Chhattisgarh for the offence punishable under Section 304B/ 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants in both the cases are in jail since 5.4.2018 and have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. 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 looking to the direct allegations made against these applicants by the witnesses in this case, none of the applicants deserves to be enlarged on bail.

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

5. Deceased – Sita Bai was married to co-accused – Prakash Giri on 7.5.2017. It is alleged that soon after the marriage, these applicants alongwith co-accused started torturing the deceased for having brought less dowry. Later on, the husband of the deceased with co-accused – Rajgir made clear his intention that he wants to divorce the deceased for which he made a phone call to the parents of the deceased to come on 25.11.2017. When the parents of the deceased arrived at the place of incident on 25.11.2017, they found their daughter – Sita Bai dead who had burn injuries

on her body. Subsequent to that, statements have been recorded in the merged enquiry and in the investigation of the case against these applicants. Hence, this case.

6. Considered the material present in the case-diary. Statement regarding demand of dowry is not specific and is general in nature. Hence, under these circumstances, these applications deserve to be allowed.

7. It is directed that the applicants in both the cases 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge