

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3915 of 2018**

L. Tataiyaa S/o L Mutaiya Aged About 65 Years R/o Village Dev Baloda
Gandhi Nagar Ward No. 32, P.S. Purani Bhilai Tehsil Patan District Durg
Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through District Megistrate Durg, District Durg
Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 4615 Of 2018**

Smt L. Parwati W/o L. Tataiyaa Aged About 54 Years R/o- Gandhi Nagar
Dev Baloda Ward No. 32, P.S. Purani Bhilai Tehsil Patan District- Durg,
Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through- District Magistrate, Durg, District- Durg,
Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicants : Shri A.C. Sahu, Advocate.
For the Respondent/State : Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****10.07.2018**

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.49 of 2018, registered at Police Station Old Bhilai (Purani Bhilai), District – Durg, Chhattisgarh for the offence punishable under Section 304B/ 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that applicant – L. Tataiyaa in M.Cr.C. No. 3915 of 2018 is father-in-law and applicant – Smt. L. Parwati in M.Cr.C. No. 4615 of 2018 is mother-in-law of the deceased and they have been falsely implicated in this case. They are in jail since 16.02.2018. 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 during her lifetime the deceased had made a written complaint in which she had made specific allegation against her husband and mother-in-law about demand of dowry and also looking to the statements of the witnesses present against these applicants both of them are not entitled for grant of regular bail.

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

5. According to the prosecution case, marriage of deceased – Devshree was performed with L. Shankar Rao on 18.6.2017. It is alleged that soon after the marriage, L. Shankar Rao and these applicants started torturing the deceased and subjected her to cruel treatment for demand of dowry. The deceased committed suicide by hanging herself on 30.1.2018. A written complaint was filed by father of the deceased on 29.1.2018 and on that basis, FIR was lodged on 30.1.2018. Hence, this case.

6. Considered the material present in the case-diary. The first statement during merg enquiry recorded on 22.1.2018 of the father of the deceased does not reflect any specific mention of these applicants as the person who tortured the deceased for demand of dowry whereas the written complaint filed by the deceased during her lifetime mentions the name of her mother-in-law - applicant – L. Parwati. The main allegation of demand of dowry and cruel treatment is against L. Shankar Rao. Taking into consideration these facts and also the age of the applicants, I feel inclined to grant regular bail to the applicants.

7. Accordingly, both the bail applications filed under Section 439 of the Cr.P.C. are allowed.

8. 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/- in respect of each crime 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