

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5127 of 2018**

Smt. Parvati Kashyap W/o Late Munnalal Kashyap Aged About 52 Years R/o Geedam Kotwarpara , Police Station Geedam, District Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh

**---- Applicant**

**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Geedam, District- Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh

**---- Respondent**

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| For Applicant | : | Shri Goutam Khetrapal, Advocate     |
| For State     | : | Shri Anand Dadariya, Govt. Advocate |

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**S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**31/08/2018**

Heard.

1. The applicant has been arrested in connection with Crime No. 74/2017 registered in Police Station -Geedam, District- Dantewada, for alleged commission of offence under Section 304-B IPC.
2. This is the second bail application on behalf of the applicant. Her earlier bail application was dismissed as withdrawn on 16.3.2018.
3. Case of the prosecution, in brief, is that the deceased -Deepika was subjected to cruelty in connection with demand of dowry and she died of burning in the matrimonial house.
4. Learned counsel for the applicant would submit that the family members of the deceased namely her father-Rameshwar, mother- Sarswati and sister- Sangeeta all have been examined in the Court and none of them have supported the allegation of deceased being subjected to cruelty in connection

with demand of dowry. On the other hand, it is argued that they have stated that relations were cordial. He further submits that as far as present applicant is concerned, when the close family members of the deceased namely her father, mother and sister have not said anything against present applicant, at this stage, the applicant may be granted bail.

5. On the other hand, learned counsel appearing for the State opposed the application and submits that looking to the nature and gravity of allegation and further that there are many other witnesses who still remained to be examined, the applicant is not entitled to grant of bail.
6. I have considered the submissions made by learned counsel for the respective parties. The prosecution case is based on allegation that deceased- Deepika was subjected to cruelty in connection with demand of dowry and as she sustained burn injury, she was brought to the hospital where she succumbed to death. The case of the prosecution is not based on any dying declaration. Moreover, her father -Rameshwar, mother- Sarswati and sister- Sangeeta all have been examined before the trial Court. Taking into consideration the submission of learned counsel for the applicant that mother, father and sister having not supported the allegation of deceased being subjected to cruelty in connection with demand of dowry, at this stage, I am inclined to grant bail to the applicant.
7. The application is accordingly allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
  - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
  - (ii) The applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-  
(Manindra Mohan Shrivastava)  
Judge