

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6075 of 2018**

1. Ku. Malti, D/o. Bhukhi Ram, Aged About 25 Years, Caste- Suryavanshi,
2. Ku. Arti, D/o. Bhukhi Ram, Aged About 23 Years, Caste- Suryavanshi,
Both R/o- Village Matiyari, P.S. Seepat, District- Bilaspur, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through- The Station House Officer, Police Station,
Seepat, District- Bilaspur, Chhattisgarh.

---- Respondent**AND****M.CR.C.(A) No. 1028 of 2018**

1. Jai Narayan, S/o. Bhukhi Ram, Aged About 33 Years, Caste-
Suryavanshi,
2. Premlata Suryavanshi, W/o. Jai Narayan, Aged About 27 Years, Caste-
Suryavanshi,
Both R/o- Village Matiyari, P.S. Seepat, District- Bilaspur, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through - The Station House Officer, Police Station
Seepat, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	: Mr. N.K. Chatterjee, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****20/09/2018**

1. Since the above regular bail application and anticipatory bail application arise out of the same crime number, they are being heard and disposed of by this common order.
2. The bail application of applicants in M.Cr.C. No.6075 of 2018 is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to them as they have been arrested

in connection with Crime No.116/2018, registered at Police- Station Seepat, District– Bilaspur (C.G.) for the offence punishable under Sections 304-B, 201, 302/34 of the Indian Penal Code.

3. The applicants – in M.Cr.C.(A) No.1028 of 2018 have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.116/2018 registered at Police Station- Seepat, District – Bilaspur (C.G.), for the offence punishable under Sections 304-B, 201, 302/34 of the Indian Penal Code.
4. Learned counsel for the applicants submits, that applicants are innocent and have been falsely implicated in the crime in question. According to the material present in the case diary, the main allegation is against the co-accused persons namely Ramnarayan, Bhukhi Ram and Bena Bai. The applicants in M.Cr.C. No.6075/2018 are sisters of the main accused Ramnarayan. The applicant No.1 in M.Cr.C.(A) No.1028/2018 is elder brother of main accused Ram Narayan and applicant No.2 is the wife of applicant No.1, who are not connected with the commission of offence as alleged in this case. Hence, for these reasons, it is prayed that they may be released on regular as well as on anticipatory bail respectively.
5. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that there is evidence present in the case against these applicants regarding subjecting the deceased to torture and cruel treatment for various reasons and also for the demand of dowry. Hence, no case is made out for grant of bail

6. I have heard the learned counsel for both the parties and perused the case diary.
7. Marriage of the deceased Rajnandini with co-accused Ramnarayan was performed on 09.05.2017. It is alleged that soon after the marriage, the accused persons including these applicants taunted the deceased about the dowry given. The co-accused Ramnarayan also made a demand of Rs.1.00 lacs for the purpose of investing in his business, which was not met with. It is also alleged that on the date of incident, the deceased and co-accused Ramnarayan had quarrel for the reasons that the deceased has alleged that the co-accused Ramnarayan was having illicit relation with his sister-in-law and at the same time Ramnarayan alleged that the deceased was having illicit relation with some other man. According to the memorandum statement given by one of the co-accused, the deceased was done to death by strangulation by Ramnarayan, Bhukhi Ram and Bena Bai and then she was hanged to give her death the colour of suicide. Hence, this case.
8. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary against these applicants, it appears that their presence at the time of death of the deceased is not established according to the evidence present in this case and whatever, the allegation was against them had been at the early stage of the marriage. Hence, after due consideration, I am of this view that applicants- in M.Cr.C. No.6075 of 2018 deserve to be enlarged on regular bail and applicants in M.Cr.C. (A) No.1028 of 2018 also deserve to be enlarged on anticipatory bail.

9. Accordingly, the regular bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that applicants- in M.Cr.C No. 6075 of 2018 shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one local surety each in the like sum to the satisfaction of the trial Court concerned, for their appearance as and when directed.
10. Likewise the anticipatory bail application of applicants in M.Cr.C.(A) No. 1028 of 2018 is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offences, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicants 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