

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7528 of 2018**

1. Smt. Leena Dhuriya W/o Late Rudraprasad Dhuriya, Aged About 58 Years, R/o Baikunthpur, (Kachaharipara), Police Station And Tehsil- Baikunthpur, District- Koriya, Chhattisgarh
2. Jyotsna Dhuriya D/o Late Rudraprasad Dhuriya, Aged About 29 Years, R/o Village- Katgodi, Police Station And Tehsil- Sonhat, District- Koriya, Chhattisgarh
3. Dushyant Kumar Dhuriya S/o Late Rudraprasad Dhuriya, Aged About 32 Years, R/o Baikunthpur (Kachaharipara) Police Station And Tehsil- Baikunthpur, District- Koriya, Chhattisgarh
4. Samvrat Dhuriya S/o Late Rudraprasad Dhuriya, Aged About 26 Years, R/o Baikunthpur (Kachaharipara) Police Station And Tehsil- Baikunthpur, District- Koriya, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station- Baikunthpur, District- Koriya, Chhattisgarh

----- Respondents

For Applicants	:	Shri Shakti Raj Sinha, Advocate
For Respondent/State	:	Shri Ratan Pusty, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****31/10/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicants who are in jail since 09.07.2018 in connection with Crime No. 71/2018 registered at Police Station- Baikunthpur, District Koriya (CG) for the offence punishable under Section 304B/34 of IPC.

2. The case of the prosecution is that on 08.04.2018 deceased Mohini is said to have committed suicide by jumping into a well and drowning. The applicants have been taken into custody on the complaint lodged by the family members of the deceased.

3. Counsel for the applicants submits that the allegation against all the applicants are general and omnibus and it is usually made when a lady commits suicide or dies in unnatural circumstances. He submits that there does not appear any specific instance which has been reflected from the statement of the relatives with which each of the applicants could be implicated. It is only a case where the death took place under unnatural circumstances in a short span of time from marriage and therefore, the present applicants have been implicated. Thus, prayed for releasing the applicants on bail.

4. State counsel, on the contrary, referring to various documents in the charge sheet submitted that there are specific allegations made by the family members of the deceased and the allegations are against each of the applicants herein. He submits that reading of the statements of the relatives would reveal that the deceased was subjected to ill treatment and torture right from the beginning and therefore, the applicants do not deserve to be released on bail.

5. Having heard the contentions put forth on either side and on perusal of the record particularly the statement of the relatives of the deceased would reveal that so far as applicants 1 to 3 i.e. mother-in-law, sister-in-law and brother-in-law are concerned, the allegations leveled against them are all general and omnibus in nature. There does not appear to be any specific overtact with which the three applicants could be implicated. So far

as applicant no.4, the husband of the deceased is concerned, in a couple of statements it reflects that there are allegations of the deceased having told her family members that applicant no.4 used to assault the deceased on the ground of bringing less dowry.

6. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that so far as applicants 1 to 3 are concerned, prima facie a strong case for grant of bail has been made out. Accordingly, it is directed that Applicants 1 to 3 namely Smt. Leena Dhuriya, Jyotsna Dhuriya and Dushyant Kumar Dhuriya will be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed.

7. So far as applicant no.4 namely Samvrat Dhuriya is concerned, since there are specific allegations against him and the allegations are also that of assault in addition to torture and ill-treatment, this Court is of the opinion that applicant no.4 is not entitled for grant of bail at this juncture. Accordingly, the bail application so far as applicant no.4 is concerned stands rejected.

Sd/-
(P. Sam Koshy)
Judge