

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6866 of 2017

1. Raghuram Sidar And Others S/o Bharat Sidar, Aged About 25 Years
R/o Village Noonpani, Police Station Saraipali, District Mahasamund,
Chhattisgarh., Chhattisgarh
2. Rajkumar, S/o Bharat Sidar, Aged About 28 Years R/o Village
Noonpani, Police Station Saraipali, District Mahasamund,
Chhattisgarh., District : Mahasamund, Chhattisgarh
3. Smt. Jalmoti, W/o Late Bharat Sidar, Aged About 50 Years R/o Village
Noonpani, Police Station Saraipali, District Mahasamund,
Chhattisgarh., District : Mahasamund, Chhattisgarh
4. Holika, W/o Rajkumar Sidar, Aged About 25 Years R/o Village
Noonpani, Police Station Saraipali, District Mahasamund,
Chhattisgarh., District : Mahasamund, Chhattisgarh ---- **Applicants**

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police
Station Saraipali, District Mahasamund, Chhattisgarh., Chhattisgarh

---- **Respondent**

For Applicants	:	Mr. Anil Gulati, Advocate.
For Respondent	:	Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

15/01/2018

1. At the outset, learned counsel for the applicants pray to withdraw the application for applicant No. 1.
2. Hence, the application under Section 439 of Cr.P.C.of applicant No. 1 is dismissed as withdrawn.
3. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.262/2017, registered at Police Station Saraipali, District- Mahasamund (C.G.) for the offence punishable under Section 304-B R/w Section 34, 306 of IPC.
4. Learned counsel for the applicants submits that applicants No. 2, 3 & 4 are innocent and have been falsely implicated in this case. The

incident took place on 26-02-2016 and the morgue statement was recorded on 10-03-2016. It was only a mother of deceased, who has made allegation against the applicant No. 1, that he was subjecting the deceased to torture for demand of dowry. The allegations against these applicants appeared for the first time in the statements under Section 161 of Cr.P.C recorded much later on 13-08-2017. This shows that the case against the applicant is concocted. Applicants are in jail since 13-08-2017. Hence, it is prayed that applicants No. 2, 3 & 4 may be enlarged on regular bail.

5. Learned State counsel opposes the bail application and submissions made in this respect.
6. Heard both the parties and perused the case diary.
7. Considered the submissions made and contents of the case diary. As the case is that marriage of applicant No. 1 & deceased Sukhmoti took place about 3 years prior to the date of incident. On 26-02-2016 deceased consumed some poisonous substance and she died on the same date. The morgue statements were recorded on 26-02-2016 . Thereafter, FIR was lodged on 13-08-2017 against the applicants pursuant to the completion of morgue inquiry.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants No. 2, 3 & 4 shall be released on bail on each of them furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge