

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7660 of 2017**

1. Hulash Yadav, S/o. Prasad Yadav, Aged About 50 Years,
 2. Mukesh Yadav, S/o. Hulash Yadav, Aged About 24 Years,
 3. Bhagmaniya, W/o. Hulash Yadav, Aged About 48 Years,
- All R/o Village Kanda, Police Station Pasta, District Balrampur-Ramanujganj, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Pasta, District Balrampur-Ramanujganj, Chhattisgarh., Chhattisgarh

---- Respondent

For Applicants : Mr. A.K. Yadav, Advocate

For Respondent/State : Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**13/02/2018**

1. This is the first bail application 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.45/2017, registered at Police Station – Pasta, District – Balrampur – Ramanujganj (C.G.) for the offence punishable under Section 498, 304-B of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. The deceased and

her husband were residing separately since one year from the date of incident. According to the evidence in the investigation, there is no direct allegation against these applicants regarding commission of offence registered against them. Applicants are ready to abide by all the conditions imposed while releasing him on bail. Therefore, it is prayed that applicants be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the deceased- Anita Yadav died unnatural death within a period of 7 years from her marriage, for which the applicants are responsible for committing dowry death, hence, they are not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The prosecution case in brief is that the marriage of Anita Yadav took place with Raj Kumar Yadav in the year 2014. It is stated that a motor cycle was demanded in dowry from the deceased and her parents because of which, she was subjected to torture by her husband and the applicants. Deceased Anita Yadav died on 10.07.2017. In the inquest enquiry and postmortem conducted, it was found that the death was due to suspected poisoning. Hence, this case.
6. Considered the submissions made and the contents of the case diary. According to the statement of the witnesses in this case, the applicants were residing separately from the deceased and her husband since one year prior to the date of incident and also considering the other points in the evidence regarding demand of dowry soon before death with respect to these applicants, taking into consideration entire

material on record, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall 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 as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge