

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8100 of 2018

1. Mohd. Taj Rizvi S/o. Nazir Rizvi, Aged about 52 years,
2. Smt. Raziya Begum, W/o. Mohd. Taj Rizvi, Aged about 48 years,
3. Mohd. Hussain, S/o. Mohd. Taj Rizvi, Aged about 32 years,
All R/o. Ratanpur, Police Station Ratanpur, District Bilaspur (C.G.)

---- Applicants

Versus

State of Chhattisgarh Acting through Officer-In-charge, Police Station
Ratanpur, Civil and Revenue District Bilaspur (C.G.)

---- Respondent

For Applicants	:	Mr. K.A. Ansari, Sr. Advocate along with Mr. Kripesh Kela, Advocate
For Respondent	:	Mr. Sanjeev Pandey, Govt. Advocate

Hon'ble Shri Justice Vimla Singh Kapoor.

Order On Board

30/10/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicants who have been arrested in connection with Crime No. 314/2018 registered at Police Station- Ratanpur, District Bilaspur (C.G.) for the offence punishable under Section 304-B, 34 IPC.
2. Case of the prosecution, in brief, is that complainant Nazma Begam lodged FIR against the applicants, alleging in it that after the marriage of her daughter the family members subjected her to torture for demand of dowry. On account of which, she died on 15.08.2018 after suffering burn injury.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the case. He submits that the applicants

are in jail since 11.09.2018 and no case is made out against them.

Hence, it is prayed that the applicants may be enlarged on bail.

4. On the other hand, learned State counsel opposes the prayer for bail.
5. Perused the case diary and the dying declaration. In the dying declaration the deceased has stated the fact that she caught fire as Dupattar fell down on the stove and she received the burn injuries. Considering the dying declaration and the fact that the applicants are in jail since 11.09.2018, for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicants should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants 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 to the satisfaction to the concerned trial Court, for their appearance as and when directed.

Sd/-

(Vimla Singh Kapoor)
Judge

Santosh