

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7903 of 2017**

1. Gyanchand Gayakwad, S/o. Late Chandu Lal Gayakwad, Aged About 24 Years, R/o. Surholi, Post Kusmi, Police Station And Tahsil Berla, District Bemetara Chhattisgarh.
2. Ramkunwar Bai, Wd/o. Late Chandu Lal Gayakwad, Aged About 58 Years, R/o Surholi, Post Kusmi, Police Station And Tahsil Berla, District Bemetara Chhattisgarh.

---- Applicants**Versus**

The State Of Chhattisgarh, Through : Station House Officer, Police Station Berla, District Bemetara Chhattisgarh.

---- Respondent**M.CR.C. No. 7905 of 2017**

1. Balram Gayakwad, S/o. Late Chandu Lal Gayakwad, Aged About 34 Years, R/o. Surholi, Post Kusmi, Police Station And Tahsil, Berla, District Bemetara, Chhattisgarh.
2. Jaiprakash Gayakwad, S/o. Late Chandu Lal Gayakwad, Aged About 21 Years, R/o. Surholi, Post Kusmi, Police Station and Tahsil Berla, District Bemetara Chhattisgarh.

---- Applicants**Versus**

The State Of Chhattisgarh, Through Station House Officer, Police Station Berla, District -Bemetara Chhattisgarh.

---- Respondent

For Applicants : Mr. P.P. Sahu, Advocate

For Respondent/State : Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****27/02/2018**

1. Both the bail applications are heard and decided together by this common order as they are being arising out of the same crime number and the incident.
2. These are the first bail applications 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.125/2017, registered at Police Station –Berla, District – Bemetara (C.G.) for the offence punishable under Section 304-B, 34 of the Indian Penal Code in alternate 302/34 of the Indian Penal Code.
3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. It is submitted that the applicant No.1 (in M.Cr.C. No.7903/2017) is husband of the deceased. Applicant No.2 is mother-in-law of the deceased and the applicants (in M.Cr.C. No.7905/2017) are brother-in-law of the deceased. It is submitted that the deceased – Indira Bai accidentally got burnt on 09.03.2017 and died during the course of treatment on 13.03.2017. No dying declaration was recorded of the deceased. After passing of more than one month on 25.04.2017, a written complaint was given by the mother of the deceased making vague allegation against all the applicants that they have tortured the deceased for demand of dowry. Under these circumstances, no case is made out against these applicants. Therefore, it is prayed that the applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail applications and the submission made in this respect. It is submitted that looking to the nature of allegation against the applicants and the evidence of prosecution, they are not entitled for grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. Brief facts of the case are that the marriage of the applicant No.1 (in M.Cr.C. No.7903/2017) and the deceased Indira took place in the year 2012 and within 7 years of marriage, the deceased got burnt on 09.03.2017 and died on 13.03.2017, consequent to that allegation has been made by the mother and other witnesses against these applicants that they used to treat the deceased with cruelty and tortured her for demand of dowry, hence, this case.
7. Considered the submissions made and the contents of the case diary. Considering the nature of allegations levelled against the applicants appears to be vague in nature. Complaint was filed after sufficient passing of time from the death of deceased. Three of the co-accused persons have already been granted bail by the Coordinate Bench of this Court, hence under these circumstances, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

9. 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 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

Balram