

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8044 of 2017

1. Smt. Rinki Soni W/o Shri Manish Soni, Aged About 34 Years, R/o Quarter No. 3 - B, Street No. 1, Sector - 5, Bhilai, Police Station Bhilai Nagar, Tahsil And District Durg Chhattisgarh., Chhattisgarh
2. Manish Soni S/o Late Ram Kumar Prasad, Aged About 42 Years, R/o Quarter No. 3 - B, Street No. 1, Sector - 5, Bhilai, Police Station Bhilai Nagar, Tahsil And District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh, Through The District Magistrate, Station House Officer, Police Station Chhaoni, District Durg Chhattisgarh., Chhattisgarh

---- Non-applicant

MCRC No. 839 of 2018

1. Pinki Soni W/o Manoj Soni, Aged About 38 Years, R/o Camp-1, Bhilai Nagar, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through The District Magistrate, Station House Officer, P.S. Chhalaoni, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Non-applicant

For Applicants – Shri Uttam Pandey, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-03-2018

1. As both these applications arise out of the same crime number, i.e., Crime No.251/2017 registered at P.S. Chhaoni, District Durg, Chhattisgarh for the offence under Section 304(B)/34 of the IPC, they are being decided by this common order.
2. Heard on both the applications filed under Section 439 of the Cr.P.C. These are first bail application before this Court filed by the applicants for grant of regular bail. Applicant Pinki Soni in MCRC No.839/2018 has been arrested on 06-06-2017 and applicants in MCRC No.8044/2017 Smt. Rinki Soni and Manish Soni have been arrested on 06-06-2017 and 03-08-2017 in connection

with aforesaid crime number and offence.

3. It is submitted on behalf of the applicants in both the applications, that the applicants have been falsely implicated in this case. Deceased Jyoti Soni committed suicide in her place of residence at Bhilai Camp 2, whereas applicants Smt. Rinki Soni and Manish Soni in MCRC No.8044/2017 resided in Section 5, Bhilai and applicant Pinki Soni in MCRC No.839/2018 resided in Camp 1 Bhilai. All these applicants were not present when the incident of suicide of the deceased took place. A false FIR has been lodged by the brother of the deceased, which is baseless. The applicants are in jail since quite some time and there is no likelihood of their absconding. Hence, it is prayed that the applicants may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the application and submits that clear allegation has been made by the brother of the deceased against all these applicants that they were engaged in subjecting the deceased to torture for demand of dowry and there is also eye-witness statement against Pinki Soni being involved in the incident in which the deceased was manhandled and assaulted by her husband and applicant Pinki Soni. It is also submitted that all the applicants have criminal antecedent of same nature about abusing and assaulting the deceased, for which a case was registered against them. Hence, these applicants are not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. Facts of the case, in brief, are these, that marriage of deceased Jyoti Soni was solemnized with co-accused Narendra Soni on 22-04-2015 and subsequent to that there had been some dispute between the husband and the wife. The deceased while residing in her matrimonial home committed suicide on 01-06-2018 by hanging himself. Inquest procedure was conducted and thereafter a written complaint was given by the brother of the deceased

Amarnath Shankar, on that basis the FIR was lodged against the applicants and others.

7. Considered on the submissions made and contents of the case diary.

8. Considered on the material present in the case diary and perused the statement of witnesses. To constitute dowry death, specific demand of dowry soon before the death is essential ingredient and in that respect the brother of the deceased has made statement of omnibus nature against these applicants. There is evidence of abuse and assault on the deceased, but eye-witnesses in this respect has given statement in different manner. On considering on the entire material in the totality, I am of this view that these applicants deserve to be released on bail during pendency of the trial against them.

9. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants shall be released on bail on each of them 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 Court, for their appearance as and when directed.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge