

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8347 of 2018**

1. Giteshwar Singh And Anr. S/o Tuleshwar Singh Aged About 32 Years,
2. Smt. Prabhavati W/o Tuleshwar Singh Aged About 51 Years

Both are R/o Chandaniyapara, Police Station Janjgir District Janjgir  
Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

**---- Applicants****Versus**

State Of Chhattisgarh Through The Station House Officer, Police  
Station Janjgir District Janjgir Champa Chhattisgarh, Chhattisgarh.

**---- Respondent**

|                   |   |                                                                |
|-------------------|---|----------------------------------------------------------------|
| For the Applicant | : | Shri Pramod Verma, Sr. Advocate with Shri K.K. Singh, Advocate |
| For the State     | : | Shri Neeraj Sharma, Dy. Govt. Advocate                         |

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**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order On Board****15/11/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.267/2018 registered at Police Station Janjgir, District Janjgir-Champa (C.G.) for the offence punishable under Section 302, 304-B/34 of IPC.
3. Case of the prosecution, in brief is that the applicant No.1 Giteshwar Singh is the husband of the deceased Smriti @ Nidhi. Applicant No. 2 Smt. Prabhavati is her mother-in-law. The marriage of the applicant No.1 and deceased was solemnized on 13/07/2016. After the marriage applicants, father-in-law were harassing on account of not bringing car, Rs. 25 Lakhs and bringing gold in less quantity. On 25/04/2018 deceased was burning by fire applicant No. 2 was present in the kitchen. Neighbour of the deceased Smt. Rekha Tiwari tried to extinguish fire, but applicant No. 2 neither attempted nor assisted to extinguish fire. As per the postmortem report of the deceased she was 100% burnt. Death was homicidal in nature.

4. Learned counsel for the applicants submits that they have innocent and falsely implicated in the present case, therefore, they shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicants.
6. Counsel for the applicants further submitted that at the time of marriage no dowry was settled, neighbours are not supporting the prosecution case. No inference can be drawn against the applicant No. 2 if she has not tried to extinguish the fire or assisted to it.
7. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicants on society, the present bail application is rejected.

Sd/-  
**(Sharad Kumar Gupta)**  
Judge

Kamde