

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8635 of 2018

- Smt. Malti Damade W/o Shri Radheshyam Damade Aged About 54 Years
R/o Khadka Road, Gadkari Nagar, Bhusawal, P. S. Bajar Peth, District
Jalgaon Maharastra

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Torwa, Bilaspur Chhattisgarh

---- Respondent

For Applicant	: Shri Varun Sharma, Advocate.
For Respondent/State	: Shri UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/11/2018

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as she is arrested in connection with crime No. 392/2018, registered at Police Station – Torwa, District Bilaspur (C.G.) for the offence punishable under Section 304 B/34 of the IPC.
2. In this case, marriage of the deceased Priyanka Damade has been solemnized with son of the applicant namely Santosh Damade in the year 2012, from their wedlock they have two children. Present applicant is the mother-in-law of the deceased. Allegedly, after marriage of the deceased, she was subjected to harassed by her husband and the present applicant for dowry. On 02.09.2018, deceased committed suicide by hanging herself in her maternal house, Bilaspur (C.G). Merg was lodged by the co-accused/husband namely Santosh Damade. After merg inquiry, on the basis of statements of relatives of the deceased, offence has been registered and the present applicant has been taken in custody on 10.10.2018.

3. Learned Counsel appearing on behalf of the applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that deceased was not the resident of Bilaspur she was the resident of Bhusawal, there is no evidence available on record, on the basis of which any offence under Section 304 B of the IPC can be made out against the present applicant, the applicant is in custody since 10.10.2018, charge-sheet has already filed and trial will take some time. Therefore, she may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the present applicant is the mother-in-law of the deceased and the main accused of the case is husband of the deceased, the applicant is in custody since 10.10.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release her on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for her appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge