

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1470 of 2018

1. Shibu Das S/o Late Vijay Krishna Das, Aged About 58 Years, R/o- H.No. 400, 11 Block, Mana Camp, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Mana Camp, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

MCRC No. 7729 of 2018

1. Smt. Subhadra Das W/o Shri Shibu Das, Aged About 45 Years, R/o 11 Block, Mana Camp, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Mana Camp, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicants – Smt. Fouzia Mirza, Advocate.

For Non-applicant/State – Shri Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-11-2018

1. As both these applications arise out of the same crime number, i.e., Crime No.120/2018, registered at Police Station - Mana Camp, District Raipur, C.G. for the offence under Section 304(b), 34 of the IPC, they are being decided by this common order.

2. MCRCA No.1470/2018 has been filed under Section 438 of the Cr.P.C. by applicant Shibu Das for grant of anticipatory bail as he is apprehending arrest in the aforesaid crime number and offence. Applicant Smt. Subhadra Das has filed MCRC No.7729/2018 for grant of regular bail as she has been arrested on 03-07-2018 in connection with aforesaid crime number and offence.

3. It is submitted by learned counsel for the applicants that these

applicants have been falsely implicated in this case. No case is made out against these applicants for prosecution under Section 304(b) of the IPC. The applicants in both the applications were living separately from their son and daughter-in-law, the deceased and have no connection with any demand of dowry or money made from the deceased. Hence, it is prayed that they may be granted anticipatory/regular bail.

4. Learned counsel for the State/non-applicant opposes the application submitting that looking to the evidence present in the case diary, the applicants are not entitled for grant of anticipatory bail or regular bail.

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

6. Marriage of deceased Rama with co-accused Sandeep Das was performed on 11-05-2015. Subsequent to that one male child was born to the deceased. The deceased committed suicide on the intervening night of 1st and 2nd April, 2018 by hanging herself. She did not leave any suicide note. After completion of the merg enquiry, the FIR has been lodged.

7. Considered on the entire material present in the case diary. The allegation regarding demand of dowry is mainly against co-accused Sandeep Das and there are statement made by the witnesses that these applicants were residing separately from their son and daughter-in-law, the deceased. Hence, after due consideration, I feel inclined to allow both these applications.

8. Accordingly, the anticipatory bail application (MCRCA No.1470/2018) filed by applicant Shibu Das is allowed. It is directed that in the event of arrest of applicant Shibu Das in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. This applicant shall also abide by the following conditions :

(i) that he shall make himself available for interrogation before the

investigating officer as and when required;

- (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

9. MCRC No.7729/2018 filed by applicant Smt. Subhadra Das under Section 439 of the Cr.P.C. for grant of regular bail is also allowed. It is directed that this applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for her appearance as and when directed.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge