

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 8634 of 2018

1. T. Venkat Raju S/o Late T. Badrinarayan Raju Aged About 50 Years R/o- Aditya Nagar, Titurdih, Near Dr. Govind's House, P.S. Mohan Nagar, Tahsil And District Durg, Chhattisgarh., District : Durg, Chhattisgarh
2. T. Mahakali W/o T. Venkat Raju Aged About 45 Years R/o- Aditya Nagar, Titurdih, Near Dr. Govind's House, P.S. Mohan Nagar, Tahsil And District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, P.S. Mohan Nagar, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicants	: Shri Amiyakant Mishra, Advocate.
For Non-applicant	: Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

30.11.2018

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 53/2018 registered at Police Station – Mohan Nagar, District- Durg (C.G.) for the offence punishable under Section 304-B, 201, 302, 120-B of the Indian Penal Code and u/s 3, 4 and 5 of Dowry Prohibition Act, 1986.
3. Case of the prosecution, in brief is that Prosecution story in brief is that name of the deceased is T. Mamta. Applicants are her father-in-law and mother-in-law. Name of her husband is T. Yaqub. Their marriage was performed about 1 year prior to the death of the deceased. At the time of the incident, the deceased was residing in her parental house. During the intervening night of 5-2-2018 and 6-2-2018, main accused T. Yaqub came to her house. At about 5.30 am on 6-2-2018, her sister-in-law K. Jyoti saw that T. Yaqub had tied rope in the neck of the deceased and was tying the rope in the grill. As per the post mortem report, deceased died due to strangulation and mode of death was asphyxia. During investigation, it was found that T. Yaqub was harassing the deceased and pressurizing her for abortion. The present applicants were cooperating not stopping T. Yaqub and harassing the deceased for demand of dowry.
4. Learned counsel for the applicant argued that lodger of the FIR K. Jyoti has turned hostile.
5. He drew my attention on the statements of different paras of different witnesses. He further submitted that no offence is made out against the applicant, thus they are entitled for the bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Earlier, the first bail application of the applicant has been rejected by this Court on 06.07.2018 in MCRC No. 3735 of 2018 considering the merits of the case.
8. What would be the effect of the statements of the prosecution witnesses, it would be analysed by the trial Court for disposal of the case.
9. Looking to the facts and circumstances of the case, this Court finds that there are no change in circumstance which may entitled the applicant in second round.
10. Looking to the entire materials available on record, the present bail application is rejected.
11. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE