

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 883 of 2019

- Jam Bai W/o Sukharu Aditya Aged About 72 Years R/o Village Madkadi, Thana Bilaigarh District Baloda Bazar Bhatapara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Bilaigarh District Baloda Bazar Bhatapara Chhattisgarh

---- Respondent

AND

MCRC No. 870 of 2019

- Haricharan Aditya S/o Sukharu Aditya Aged About 35 Years R/o Village Madkadi, Thana Bilaigarh, District Baloda Bazar-Bhatapara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Bilaigarh, District Baloda Bazar-Bhatapara Chhattisgarh

---- Respondent

For Applicant (In MCRC No. 883/2019) : Mr. Deepak Jain, Advocate.
For Applicant (In MCRC No. 870/2019) : Mr. Deepak Jain, Advocate.
For Respondent/State : Mrs. Smriti Shrivastava, PL.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

26/02/2019

1. Since, both the cases arise out of same crime number, therefore, they are being disposed of by this common order.

2. The applicants have preferred these first bail applications under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with Crime no. 445/2018, registered at Police Station Bilaigarh, District Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Sections 498(A) & 306/34 of the IPC.
3. As per prosecution story, the applicants are the mother-in-law and husband of the deceased namely Prabha Devi. The marriage of the deceased solemnized with the applicant Haricharan Aditya before 10 years of the incident, from their wedlock they have three children. On 21.11.2018, deceased Prabha Devi committed suicide by consuming some poisonous substance. Merg was lodged by husband of the deceased, thereafter, statements of relatives of the deceased have been recorded. On the basis of their statements, offence has been registered against the present applicants. Allegation against the present applicants is that they have tortured the deceased due to non having of son from the wedlock of the deceased and the applicant Haricharan Aditya. On being tortured, the deceased committed suicide. Applicant in (MCRC No. 883/2019) is in custody since 22.01.2019 and Applicant in (MCRC No. 870/2019) is in custody since 05.12.2018.
4. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that on the basis of evidence collected by the prosecution *prima facie* no case under Section 306 of the IPC can be made out against the applicants. Applicant in (MCRC No. 883/2019) is in custody since 22.01.2019 and Applicant in (MCRC No. 870/2019) is in custody since 05.12.2018, charge-sheet has already filed and trial will take some time, therefore, they may be released on bail.

5. Per contra, learned counsel appearing on behalf of the State opposes the bail applications.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the applicants are in custody since 22.01.2019 & 05.12.2018, charge-sheet has already filed and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.
8. Accordingly, the bail applications are allowed.
9. It is directed that the applicants shall be released on bail on each of them 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 their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge