

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 961 of 2019

1. Kaushilya Bai W/o Shri Bhagwandin Aged About 60 Years R/o Village Darwaja (Akhrar) Chowki Khudiya Police Station Lormi District Mungeli Chhattisgarh
2. Bhagwandin S/o Shri Jagat Aged About 65 Years R/o Village Darwaja (Akhrar) Chowki Khudiya Police Station Lormi District Mungeli Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Chowki Khudiya Police Station Lormi District Mungeli Chhattisgarh.

---- Respondent

For Applicants : Mr. Dheerendra Pandey, Advocate.
For Respondent/State : Mr. Alok Nigam, Government Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

26/02/2019

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 09/2019, registered at Police Chowki-Khudiya, Police Station–Lormi, District Mungeli- (C.G.) for the offence punishable under Section 306 & 34 of the IPC.
2. In this case the applicants are the mother-in-law and father-in-law of the deceased namely Mithla Bai. Marriage of the deceased and the co-accused/husband was solemnized before 7-8 years of the incident, from their wedlock they have two children. On 28.10.2018, deceased committed suicide by consuming some poisonous substance. Allegation against the present applicants is that after the marriage of the deceased the applicants and co-accused/husband harassed the deceased for demand of dowry, due to that, she committed suicide.

On the basis of above, offence has been registered. The applicants are in custody since 17.01.2019.

3. Learned counsel appearing on behalf of the applicants submits that the applicant are innocent and have been falsely implicated in the present case. He further submits that there is nothing on record on the basis of which any offence under Section 306 of the IPC can be made out, only general allegations have been made against the applicants by the relatives of the deceased. He further submits that the applicants are old age persons, they are in custody since 17.01.2019, charge-sheet has not filed yet and trial will take some time. Therefore, the applicants 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 both the parties.
6. 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 17.01.2019 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.
7. Accordingly, the bail application is allowed.
8. 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 solvent surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge