

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1030 of 2019**

1. Rohit Kumar Nirmalkar, son of late Manbodh Ram Nirmalkar, aged about 53 years.
 2. Smt. Lata Bai (wrongly mentioned as Kaltabai) wife of Rohit Kumar Nirmalkar, aged about 49 years.
- Both are resident of village Taraud, Police Station & District Balod (CG).

---- Applicants**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Balod,
District Balod (CG).

---- Non-applicant

For Applicants	: Mr. B.P. Singh, Advocate
For Non-applicant	: Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

25.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.318/2018 registered in Police Station Balod, District Balod for the offence punishable under Sections 498-A, 304-B, 34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that the marriage of deceased Pooja Nirmalkar was solemnized with co-accused Sovendra Kumar Nirmalkar on 24.04.2018. The applicant No.1 was her father-in-law and applicant No.2 was her mother-in-law. After the marriage, the applicants and co-accused Sovendra Kumar Nirmalkar were used to harass her on account of bringing of insufficient dowry and not brought motorcycle, freeze etc as dowry. On 06.07.2018 deceased committed suicide by hanging herself.
4. Counsel for the applicants submitted that the applicants have not committed any offence and have been falsely implicated in the case. He further submitted that general allegation is made out against the applicants and no allegation is made out against them regarding demand of dowry and as such the applicants may be released on bail.
5. On the other hand, counsel for the State opposed the bail application.
6. Looking to the facts and circumstances of the case, looking to the seriousness of the offence and looking to the impact of granting bail to the applicants on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicants.
7. Consequently, the bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-