

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1019 of 2019

- Sukartin Bai, W/o Titara, aged about 46 Years R/o Bahnakhodara, P. S. Chilfi, Tahsil Bodala, District-Kabirdham Chhattisgarh, District-Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station-Chilfi, District-Kabirdham Chhattisgarh.

---- Respondent

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MCRC No. 1469 of 2019

- Pemal S/o Titara Vishwakarma, aged about 25 Years, R/o Bahnakhodara, Police-Station-Chilfi, Tahsil-Bodala, District-Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station-Chilfi, District- Kabirdham, Chhattisgarh.

---- Respondent

For Applicant : Mr. S.P. Sahu, Advocate
For Respondent : Mrs. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/03/2019

1. Since both bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Both these applications filed under Section 439 of the Code of Criminal Procedure, 1973 are the first bail applications on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No.24/2018 registered at Police Station- Chilfi, District – Kabirdham(C.G.) for the offence punishable under Sections 304-B/34 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against them. Similarly placed co-accused Titra has been granted regular bail in MCRC No.10018 of 2018 vide order dated 18.1.2019 by this Court, hence, it is prayed that they may also be released on regular bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that soon before the death of deceased one FIR was lodged by her against the applicant and others regarding *Marpeet* and there is statement of mother of the deceased recorded on 15.8.2018, in which, she has stated that she has received a phone call from her daughter the deceased, that she was being tortured for demand of money, hence, they are not entitled for grant of regular bail.
5. Heard both the parties and perused the case diary.
6. Marriage of deceased-Shiv Kumari took place with co-accused Pemal in the year 2016. The deceased died due to burn injuries on 15.8.2018. During investigation, it has come in the evidence that there had been a

demand of Rs.1 lakh before the deceased died unnaturally. Hence, this case.

7. Considered on the entire material present in the case diary, as the case is now before the trial Court and similarly placed co-accused person has been granted regular bail by this Court, for these reasons, I am inclined to grant regular bail of both the applicants.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge