

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2431 of 2019**

1. Chintaram S/o Tirathram Sahu Aged About 35 Years R/o Village Madanpur, Police Station Pipariya, Tehsil Kawardha, District- Kabirdham, Chhattisgarh
2. Tirathram S/o Heeralal Sahu Aged About 55 Years R/o Village Madanpur, Police Station Pipariya, Tehsil Kawardha, District- Kabirdham, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Pipariya, District- Kabirdham, Chhattisgarh

---- Non Applicant**MCRC No. 2432 of 2019**

- Kunwariya Bai W/o Tirathram Aged About 57 Years Cast Sahu, Occupation House Wife, R/o Village Mandanpur, Police Station Pipariya, Tehsil Kawardha, District Kabirdham, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Pipariya, District Kabirdham Chhattisgarh

.....Non Applicant

For the Applicants : Mr. K. N. Nande, Advocate

For Non Applicant : Mr. SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****25.04.2019**

1. Since both the petitions arise from same crime No., these bail petitions are being disposed off simultaneously.
2. These are first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.49/2019 registered at Police Station- Pipariya District- Kabirdham, (C.G.) for the offence punishable under Sections 498-A, 306, 34 of the Indian Penal Code.
4. Case of the prosecution, in brief is that deceased Kanti Bai is the wife of applicant No.1 Chintaram. Applicant No.2 Tirathram is her father-in-law. Applicant Kunwariya Bai is her mother-in-law. The marriage of the deceased was solemnized with applicant No.1 Chintaram in the year 2011. After the marriage applicant No.1 Chintaram was harassing the deceased saying that she has illicit relationship with some other person. Applicant No.2 Tirathram and applicant Kunwariya Bai were used to harass her saying that she is the cause of death of their elder son. They were used to abuse her. On 02.02.2019 deceased set her on fire consequently, she died in hospital on 08.02.2019.
5. Learned counsel for the applicants submits that applicants have no criminal background, they are innocent and have been falsely implicated in the present case and he further submits that there are general allegations against the applicants, deceased was living separately from the applicants, there is no allegation regarding demand of dowry, after the incident deceased was survived for 7 days and during this period she has not made any complainant, thus applicants may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicants.
7. Looking to the facts and circumstances of the case, looking to the material available on record, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge