

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 1437 of 2019**

1. Smt. C.H. Jaya Laxmi Rao, Wd/o. Late C.H. Diwakar Rao, Aged About 38 Years, R/o. Ward No. 6, 4th Battalion C.A.F. New Jamin Mana Camp Raipur Chhattisgarh.
2. C.H. Ramu, S/o. C.H. Khushraj, Aged About 24 Years, R/o. Adarsh Nagar, Kugda, Kumhari, Tahsil and District Durg Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Collector, Durg, District Durg Chhattisgarh.

---- Respondent

For Applicants	: Ms. Arti Chand Dut, Advocates
For Respondent	: Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****24/09/2019**

1. Apprehending arrest in connection with Crime No. 139/2019, registered at Police Station – Kumhari, District – Durg (C.G.) for offence punishable under Section 304-B/34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material present in the case diary. The applicants have a separate residence from the place, where the deceased was residing in her matrimonial home. There is no mention of the name of these applicants in her suicidal note. Hence, it is prayed that they may be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that in the statement of the witnesses under Section 161 of Cr.P.C., it has been stated that these applicants used to demand motor cycle in dowry from the deceased and torture her after two months from the date of marriage. Therefore, they are not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the prosecution case, the deceased S. Devi Rao got married with co-accused S. Paresh Rao on 20.06.2018. Within seven years of marriage, she committed suicide on 02.07.2019. In the suicidal note left by the deceased, there is no mention of name of these applicants.
6. Considered the submissions made and the contents of the case diary. Considering that the name of these applicants are not mentioned in the suicidal note of the deceased, further the allegations regarding demand of dowry in the statement of the witnesses has also appeared much later than the date when the deceased committed suicide, hence for these reasons, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in

sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram