

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6990 of 2019**

1. Tikeshwar Mishra S/o Shri Padman Prasad Mishra, aged about 65 years, Occupation – Priest, R/o village Kheratkala, Police Outpost – Tuhalu, Thana Komakhan, District Mahasamund (C.G.)
2. Smt. Prem Bai Mishra W/o Shri Tikeshwar Mishra, aged about 50 years, R/o village – Kheratkala (Tikrapara), Police Outpost – Tuhalu, Thana Komakhan, District Mahasamund (C.G.)
3. Mithleshwar Prasad Mishra S/o Shri Tikeshwar Mishra, aged about 35 years, Occupation – Priest, R/o village – Kheratkala, (Tikrapara) Police Outpost – Tuhalu, Thana – Komakhan, District – Mahasamund (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station Komakhan, Police Outpost – Tuhalu, Civil & Revenue, District – Mahasdamund (C.G.)

---- Respondent

For Applicants	:	Shri Sunil Sahu, Adv.
For Respondent	:	Shri V.K. Agrawal, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****20/12/2019**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.149/2019, registered at Police Station – Komakhan, Police Outpost – Tuhalu, District – Mahasamund (C.G.) for the offence punishable under Section 306/34 IPC.
2. The prosecution story, in brief, is that the marriage of applicant No.3 was solemnized with deceased Aarti Mishra in the year 2014, and after one year of the marriage she was being harassed by the applicants as a result of which she

committed suicide after pouring kerosene oil on her and set herself ablaze. Based on this, offence has been registered. The present applicants have been taken into custody on 18.09.2019.

3. Learned counsel for applicants seeks permission of this Court to withdraw bail application in respect of applicant No.3- Mithleshwar Prasad Mishra with liberty to renew the same after examination of the material witnesses.
4. Not opposed.
5. Accordingly, bail application in respect of applicant No.3- Mithleshwar Prasad Mishra is dismissed as withdrawn reserving the liberty as prayed for.
6. Learned counsel for the applicant No. 1 and 2 submits that the applicants are innocent and have been falsely implicated in the case. He further submits that at the time of merger inquiry, no allegation has been levelled against the applicants and, after more than one year of the incident, the father of the deceased, lodged a report alleging therein that his daughter committed suicide because of harassment of the applicants. He also submits that the applicant Nos. 1 and 2 are old aged person, they are in custody since 18.09.2019, charge sheet has been filed and there is no likelihood of their case being decided in near future. Therefore, they may be released on bail.
7. On the other hand, learned counsel for the State opposed the bail application.
8. I have heard learned counsel for the parties and perused the case diary.
9. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicants are old aged persons, they are in custody since 18.09.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant No. 1 and 2 on bail.

10. Accordingly, the bail application in respect of applicant No. 1 and 2 is allowed.
11. It is directed that the Applicant No. 1 and 2 shall be released on bail on their executing a personal bond for a sum of Rs.25,000/- each 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.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde