

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 107 of 2020

Barmat Devi W/o Vrindavan Yadav Aged About 51 Years R/o Ward No. 07, In front Of High School, Ahiwara, P. S. Nandini, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate, Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Respondent

For Applicant	:	Shri T.K. Jha, Advocate
For State	:	Shri Sudeep Verma Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/06/2020

Heard.

1. The applicant has filed this application for grant of anticipatory bail under Section 438 Cr.P.C. as she is apprehending her arrest in connection with Crime No. 353/2019, registered at Police Station Nandini Nagar, Distt. Durg (C.G.) for the offence punishable under Sections 304-B, 34 of the IPC.
2. As per prosecution story, one Madhu Yadav has committed suicide by hanging herself. Marriage between Madhu Yadav and Fattechand Yadav (applicant's son) was solemnized in the month of February 2019. After the death of Madhu Yadav, morgue was lodged and morgue enquiry was also conducted. On 30.11.2019, a written complaint has been submitted by father of the deceased namely Naresh Yadav, wherein it has been alleged that after the marriage, the applicant and other co-accused tortured the deceased and treated cruel behavior with her on account of demand of dowry. It has further been alleged that soon before the death of the deceased, she was subjected to cruelty on the same ground due to that she committed suicide. On the basis of said background, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that there is no material evidence on record to indicate that the applicant harassed the deceased in the name of dowry. It is also submitted that the co-accused of the case namely father-in-law and husband have already been released on anticipatory bail vide order dated 20.3.2020 passed in MCRC No.2107 of 2019, therefore, it is prayed that the applicant may also be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties, considering that there is no substantial material to involve the applicant in the alleged commission of offence and further that the co-accused of the case namely father-in-law and husband have already been granted anticipatory bail by this Court, without further commenting on merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant also.
7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting her and she shall abide by all the following terms and conditions:-
 - (i) the applicant shall make herself available for interrogation by the police officer as and when required;
 - (ii) the applicant 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 from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge