

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 103 of 2020**

Amarnath Patre, S/o Rohitram Patre, aged about -21 years, R/o Village – Odadabri, Police Station – Kunda, Tahsil – Pandariya, District – Kabirdham (C.G.)
(In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through – District Magistrate Kawardha, District Kabirdham (C.G.)

----Non-applicant**M.Cr.C. No. 107 of 2020**

1. Rohitram, S/o Sitaram (wrongly mentioned as Seetaram) Patre, aged about -45 years,

2. Smt. Rinabai (Wrongly mentioned as Reenbai) W/o Rohitram, aged about -43 years,

3. Ramnath, S/o Rohitram Patre (Wrongly mentioned as Ratre), aged about -26 years,

All are R/o Village – Odadabri, Police Station – Kunda, Tahsil – Pandariya, District – Kabirdham (C.G.)
(In jail)

---- Applicants**Versus**

State of Chhattisgarh, Through - Station House Officer, Police Station – Kunda, District – Kabirdham, Chhattisgarh

----Non-applicant

For Applicants : Mr. Dharmesh Shrivastava, Advocate.
For Non-applicant/State : Mr. Anil Tripathi & Mr. B.L. Sahu, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****13/02/2020**

(1) Above mentioned both the *second* bail applications filed under Section 439 of the Cr.P.C. arise out of a common Crime No. 151/2019, registered at Police Station Kunda, District - Kabirdham, for the offence punishable under Sections 304-B, 313 read with Section 34 of the Indian Penal Code, therefore, they are being heard analogously and decided by this common order. [For the sake of convenience, M.Cr.C. No. 103 of 2020 would be taken up as lead case].

(2) The applicants' first bail applications were dismissed as withdrawn with liberty to revive the same after material prosecution witnesses are examined vide orders dated 06.12.2019 & 14.11.2019 in M.Cr.C. Nos. 6344/2019 & 5896/2019, respectively.

(3) Case of the prosecution, in brief, is that marriage of Amarnath Patre was solemnized with deceased Annu Patre about one year prior to the date of the incident and immediately after the marriage the present applicants, who are father-in-law, mother-in-law & brother-in-law (*Jeth*) of deceased, started harassing her and treated with cruelty in connection with demand of dowry; and out of humiliation and frustration, she committed suicide by setting herself ablaze and thereby committed the aforesaid offence.

(4) Counsel for the applicants submits that present applicants are that father-in-law, mother-in-law and brother-in-law (*Jeth*) of the deceased and, as such, they are nothing to do with the crime in question as the applicants are living separately from the deceased and her husband – Amarnath Patre. He further submits father of the deceased namely Munna Lahre (PW-3) has not supported the case of the prosecution and has turned hostile and that that applicants are in custody since 19.07.2019 and charge sheet has already been filed and, therefore, the applicants

may be released on bail.

(5) On the other hand, counsel for the State opposes the bail application.

(6) I have heard learned counsel appearing for the parties and perused the case diary with utmost circumspection.

(7) Taking into consideration the nature and gravity of the offence, further considering the facts that applicants are in detention since 19.07.2019; charge sheet has already been filed and particularly the fact that that father of the deceased namely Munna Lahre (PW-3) has not supported the case of the prosecution and has turned hostile, I am inclined to release the applicants on bail. Accordingly, both the bail applications are allowed.

(8) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

