

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 871 of 2020**

1. Vinod Kumar Kashyap S/o Late Tiharuram Aged About 31 Years R/o Rahod, Ward No.08, Police Station Shivrinarayan, District Janjgir-Champa, Chhattisgarh.
2. Jitendra Kashyap S/o Late Tiharuram Aged About 38 Years R/o Rahod, Ward No.08, Police Station Shivrinarayan, District Janjgir-Champa, Chhattisgarh.
3. Dayamati Wd/o Late Tihauram Aged About 56 Years R/o Rahod, Ward No.08, Police Station Shivrinarayan, District Janjgir-Champa, Chhattisgarh.
4. Madhuri Kashyap W/o Jitendra Kashyap Aged About 29 Years R/o Rahod, Ward No.08, Police Station Shivrinarayan, District Janjgir-Champa, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through : District Magistrate, District Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Ashutosh Trivedi, Adv.
For Respondent/State	:	Mr. B. L. Sahu, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****20/03/2020**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 361/2019 registered at Police Station Shivrinarayan, District-Janjgir-Champa (C.G.) for the offence punishable under Section 304(B) and 498(A) of the IPC.
2. The prosecution story, in brief is that the father of the deceased lodged a written complaint that on 01.05.2018 the marriage of the deceased and applicant No. 1 namely Vinod

Kumar Kashyap solemnized. After that the applicants harassed and subjected cruelty to the deceased on demand of dowry from her parents and for not bringing motorcycle and cash amount of Rs. 3,00,000/- from her paternal home. They used to have conflicts on same issue at different occasions. On the date of incident i.e. 17.07.2019 the applicants burned the deceased in the house. Based on this offence has been registered against the present applicants.

3. In respect of applicant No. 1-Vinod Kumar Kashyap, Learned counsel for the applicants wants to withdraw this petition with liberty to revive the same after examination of the material witnesses.
4. Accordingly, bail application in respect of applicant No. 1-Vinod Kumar Kashyap is dismissed as withdrawn with the aforesaid liberty.
5. In respect of applicant No. 2-Jitendra Kashyap, applicant No. 3-Dayamati and applicant No. 4-Madhuri Kashyap, learned counsel submits that the applicants are the brother-in-law, mother-in-law and sister-in-law of the deceased respectively, and the applicant Nos. 2, 3 and 4 are innocent and have been falsely implicated in the crime in question. He further submits that there is no incriminating material against applicant Nos. 2, 3 and 4 & only on suspicion, they have been implicated in the crime in question. He further submits that the applicant Nos. 2, 3 and 4 are in jail since 14.10.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
6. On the other hand, counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the

offence, facts and circumstances of the case, detention period of applicant Nos. 2, 3 and 4 and further considering the facts that the present applicant Nos. 2, 3 and 4 are the brother-in-law, mother-in-law and sister-in-law subsequently, of the deceased, and applicant No. 2-Jitendra Kashyap is aged about 38 years old man, applicant No. 3-Dayamati is aged about 56 years old lady and applicant No. 4-Madhuri Kashyap is aged about 29 years and are in jail since 14.10.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant Nos. 2, 3 and 4 on bail. Accordingly, the application in respect of applicant Nos. 2, 3 and 4 is allowed.

9. Accused/applicant Nos. 2, 3 and 4 are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. Applicant Nos. 2, 3 and 4 are directed to appear before the trial Court on each and every date to be given to them by the said Court.

Sd/-
(Rajani Dubey)
Judge