

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1801 of 2020

- Dileshwar Prasad Thakur S/o Keshav Prasad Thakur Aged About 31 Years Caste Nai, R/o Village Sendhopara, Police Station Bhatgaon, Tahsil Pratappur, District Surajpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Bhatgaon, Tahsil Pratappur, District Surajpur Chhattisgarh.

---- Respondent

with

MCRC No. 1807 of 2020

- Smt. Dhaneshwari Bai W/o Keshab Prasad Thakur Aged About 48 Years Caste Nai, R/o Village Sendhopara, Police Station- Bhatgaon, Tahsil- Pratappur, District- Surajpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Bhatgaon, District- Surajpur, Chhattisgarh.

---- Respondent

For Applicants : Shri V.K. Pandey, Advocate.
For Respondents/State : Shri Sameer Sharma & Shri Siddharth Dubey
Dy.G.A.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

09.06.2020

1. Since both the petition arise out of the same Crime No.(179/2019), they are being disposed of by this common order.
2. The applicants have preferred their first bail applications under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 179/2019, registered at Police Station

Bhatgaon, District Surajpur (C.G.) for the offence punishable under Sections 304-B, 498-A & 34 of the IPC.

3. In this case the applicants are brother-in-law and mother-in-law of the deceased. The prosecution story in short is that, because of the cruelty and harassment of the present applicants, in connection with demand of dowry, deceased Pushpalata @ Nisha committed suicide by hanging herself within 2-3 months of the marriage. Based on that, after investigation, charge-sheet has been filed and they have been arrested.
4. Learned counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He further submits that the applicants have been living separately prior to the incident and there is no direct and specific allegation against the applicant that they have demanded dowry from the deceased. They are in custody since 07.02.2020 and trial will take some time. Therefore, they may be released on bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail application submitting that the deceased was a pregnant lady and the applicants along with co-accused/husband of the deceased harassed her in the name of dowry and taunted her saying illegal child which was in her womb. Thus, considering the cruelty committed by the applicants, they may not be granted bail.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicants are in custody since 07.02.2020 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicants shall be released on bail on

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.

10. It is made clear that if the applicants have already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **in Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), they need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if they have not furnished the bail bonds earlier, then they will be required to furnish bail bonds within four weeks from today.

Sd/-
(Rajani Dubey)
Judge