

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 872 of 2020

1. Rameshwar Dayal Shukla S/o Seetaram Ji Shukla, aged about 66 years.
2. Smt. Geeta Shukla W/o Rameshwar Dayal Shukla, aged about 62 years.
3. Smt. Manju Shukla W/o Ramakant Shukla, aged about 36 years.

All are Resident of Village Pali, Aaramil Mohalla, Police Station:
Pali, District: Korba Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through The S H O, Police Station- Pali,
District: Korba Chhattisgarh.

WITH

MCRCA No. 905 of 2020

1. Ramakant Shukla S/o Rameshwar Dayal Shukla, aged about 41 years.
2. Shashikant Shukla S/o Rameshwar Dayal Shukla, aged about 30 years.

Both are resident of Village: Pali, Aaramil Mohalla, Police Station:
Pali, District: Korba, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through The S H O, Police Station- Pali,
District: Korba Chhattisgarh.

---- Respondent

For Applicants	: Mr. Sumit Singh, Advocate.
For Respondent/State	: Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

25.08.2020

1. The matter is heard through Video Conferencing.

2. Since, both the cases are arising out of same crime number, therefore, they are being decided by this common order.
3. The applicants have filed this first bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with Crime No.149/2020, registered at Police Station: Pali, District: Korba, (C.G.) for the offence punishable under Section 304 (B) of IPC.
4. In this case, deceased namely Surbhi Shukla was married to the brother of the Applicants who is also co-accused namely Ravikant Shukla. Their marriage solemnized on 13.07.2016. Out of their wed-lock one girl was born. The Applicant No.1, 2 & 3 (In MCRCA No.872/2020) are the Father-in-law (*Sasur*) Mother-in-law (*Saans*) & Sister-in-law (*Jethani*) of the deceased. The Applicant No.1 & 2 (In MCRCA No.905/2020) are the Brothers-in-law (*Jeth* & *Devar*) of the deceased, respectively. An application under Section 125 of Cr.P.C. was filed by the deceased and monthly maintenance of Rs.5,000/- was awarded in her favour. Thereafter, the deceased as well as her husband settled their matter and the husband brought back the deceased to his house. After two months, it is alleged that the present Applicants have started to torture the Applicants ill-treated her on account of demand of dowry due to which, deceased Surbha Shukla committed suicide by hanging herself on 08.06.2020, thereafter, merger was lodged and on the basis of merger enquiry report, on 25.06.2020, FIR was registered. It is also alleged that after the marriage of the deceased she was subjected to cruelty on account of demand of dowry by the Applicants as well as her husband. Due to which some dispute took place and the deceased left her Father-in-law's house and resided in her paternal house. On the basis of said, offence has been registered.
5. Learned counsel appearing on behalf of the applicants submits that the applicants are falsely implicated in the present case due to some dispute. He submits that there was dispute only between the deceased and her husband. The deceased herself doesn't wanted to reside with the Applicants, she only wanted to reside separately with her husband. The

deceased also made an application in this regard to the Municipal Corporation to sanction separate ration card. He also submits that main allegations are against the husband of the deceased who has already been arrested and there are only general allegations made against the present Applicants by the father and mother of the deceased. He lastly submits that if the whole prosecution story is taken as it is, there is no material available on the basis of which Prima Facie it can be established that the deceased was subjected to cruelty on account of demand of dowry therefore, no case under Section 304 (B) of IPC can be made out against the Applicants, therefore, he prays for grant of anticipatory bail to the Applicants.

6. Per contra, learned counsel appearing on behalf of State opposes the bail applications. He submits that referring to the statements of father and mother of the deceased recorded under Section 161 of Cr.P.C, Prima Facie offence under Section 304-B of IPC is made out therefore, the anticipatory bail applications of the present Applicants be rejected.
7. I have heard learned Counsel for the parties.
8. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties, particularly after perusal of contents of FIR and statements of father and mother of the deceased, it reveals that main dispute of the deceased was with her husband, though, allegations were made against the present Applicants also for demand of dowry, but the said allegations were general in nature, the husband of the deceased is already been arrested and no custodial interrogation is required for the Applicants, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
9. Accordingly, the anticipatory bail applications are allowed.
10. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-

- I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/applicants 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/her from disclosing such facts to the Court or to any police officer;
- III. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicants shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge