

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 913 of 2020

1. Kumari Devi W/o Bhagwat Prasad Yadav Aged About 53 Years R/o Hardibazar, Tehsil- Hardibazar, District- Korba, (C.G.).
2. Uma Yadav W/o Jivrakhan Lal @ Ajay Aged About 27 Years R/o Hardibazar, Tehsil- Hardibazar, District- Korba, (C.G.).
3. Jivrakhan Lal @ Ajay S/o Bhagwat Prasad Yadav Aged About 29 Years R/o Hardibazar, Tehsil- Hardibazar, District- Korba, (C.G.).
4. Bhagwat Prasad Yadav S/o Patiram Yadav Aged About 54 Years R/o Hardibazar, Tehsil- Hardibazar, District- Korba, (C.G.).
5. Deendayal Yadav @ Rajesh S/o Bhagwat Prasad Yadav Aged About 34 Years R/o Hardibazar, Tehsil- Hardibazar, District- Korba, (C.G.).

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Chowki- Hardibazar Police Station Kusmunda, District- Korba, (C.G.)

---- Respondent

For Applicants	: Mr. Sumit Singh Rathore, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.
For Objector	: Mr. KPS Gandhi, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

18/08/2020

1. The matter is heard through video conferencing.
2. The applicants have filed this 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. 289/2020, registered at Police Chowki- Hardibazar, Police Station-Kusmunda, Distt. Korba (C.G.) for the offence punishable under Section 306, 34 of the IPC.
3. After arguing at length, learned Counsel for the Applicants submits that he wants to withdraw the instant application with regard to Applicants No. 4 & 5 namely Bhagwat Prasad Yadav and Deendayal Yadav @ Rajesh. However, he prays that in the event of filing of bail application under

Section 439 of Cr.P.C. on behalf of Applicants No. 4 & 5 before the Court below, the Court below may be directed to decide the said application in accordance with law as early as possible.

4. In view of above submission, the instant application is dismissed as withdrawn with regard to Applicants No. 4 & 5 namely Bhagwat Prasad Yadav and Deendayal Yadav @ Rajesh. However, Trial Court is directed to decide the said application in accordance with law as early as possible.
5. In this case, the name of the deceased is Taruna Yadav. As per prosecution story, marriage between the deceased and Applicant No. 5 Deendayal Yadav @ Rajesh was solemnized in the year 2007, out of their wedlock, they have blessed with two children aged about 10 years & 11 years. On 11.06.2020, the deceased committed suicide by consuming some poisonous substance. Thereafter, morgue report was lodged. On 30.06.2020, on the basis of morgue enquiry report, FIR has been registered against the applicants. It has been alleged that after marriage of the deceased, the applicants continuously tortured and harassed her on account of demand of dowry and other reasons due to that she committed suicide.
6. Learned counsel appearing on behalf of Applicants No. 1, 2 & 3 would submit that the applicants are innocent and have been falsely implicated in the present case. There is no direct evidence available on record against Applicants No. 1, 2 & 3. From the material collected by the prosecution, *prima facie* no case under Section 306 of the IPC can be made out against Applicants No. 1, 2 & 3. He further submits that there is also no material available on record which shows that these applicants by any manner continuously ill-treated the deceased. He lastly submits that only general allegations have been made against them. Hence, it is prayed that they may be granted benefit of anticipatory bail.
7. Per contra, learned counsel appearing on behalf of State and objector opposes the bail application.
8. I have heard learned Counsel for the parties.
9. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by the counsel appearing for the parties and further considering the fact that there is no direct evidence available on record against Applicants No. 1, 2 & 3, only general

allegations have been made against them. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to Applicants No. 1, 2 & 3.

10. Accordingly, the anticipatory bail application with regard to Applicants No. 1, 2 & 3 is allowed.
11. It is directed that in the event of arrest, Applicants No. 1, 2 & 3 shall be released on bail on each of them furnishing a personal bond for a sum of Rs. 25,000/- with one solvent 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 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