

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.5701 of 2020

1. Smt. Prem Kumari Verma, W/o Bhagbali Verma Aged About 47 Years (wrongly mentioned as 45 years in the impugned order sheet) R/o Village Chapora, P.S. Tilda- Neora, District Raipur, Chhattisgarh
2. Kamal Kumar Verma S/o Bhagbali Verma Aged About 23 Years R/o Village Chapora, P.S. Tilda- Neora, District Raipur, Chhattisgarh ---- **Applicants**

Versus

State Of Chhattisgarh Through- Police Station Tilda-Neora, District Raipur,
Chhattisgarh ---- **Respondent**

For Applicants	:	Shri Prasoon Agrawal, Advocate
For Respondent/State	:	Shri Alok Bakshi, Additional A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/10/2020

Heard.

1. The applicants have been arrested in connection with Crime No.219 of 2020 registered at Police Station-Tilda-Neora, District Raipur CG (wrongly mentioned as Nevra in the impugned order sheet) for the alleged commission of offence under Section 304-B read with Section 34 of IPC.
2. Case of the prosecution is that the applicants harassed and subjected the guilty to cruelty in connection with demand of dowry, due to which, he died in suspicious circumstances due to poisoning.
3. Learned counsel for the applicants would argue that after death of the deceased, concocted case has been prepared after 30 days of the incident. He would argue that immediately after the incident on 01/07/2020, a morgue intimation was given by the FIR informant Yogesh Verma, brother of the deceased, in which, no allegations were leveled and was categorically stated that nothing wrong happened to the deceased and accused have not committed anything wrong with deceased and after 30 days, FIR was lodged on 30.07.2020, therein, all the allegations started coming out, therefore, it is a case of false implication. He would submit that the investigation is complete and charge-sheet has also been filed, therefore, in these circumstances, the applicants may be granted bail.

4. On the other hand, learned counsel for the State would submit that initially after death, morgue enquiry was held and thereafter on 30.07.2020, brother of the deceased categorically stated in FIR that the deceased was subjected to cruelty in connection with demand of dowry by mother-in-law and she was being harassed by her brother-in-law also. Therefore, prima facie case is made out. He would also submit that other diary statements of the brother-in-law and the mother-in-law of the deceased also support the allegation made by brother of the deceased in the FIR and in the Court diary statement. Learned State counsel would further submit that during morgue enquiry on 06.07.2020, statement of the brother and mother of the applicants was taken and the allegation was leveled which lodged to filing of FIR on 30.07.2020.
5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that at that time when death had occurred and morgue intimation was lodged which was on instructions of the FIR informant namely Yogesh Verma, no allegation were leveled but it was stated that no cruelty was done and that after 30 days, FIR was lodged making allegations against the applicants and that investigation is complete, charge-sheet has been filed, I am inclined to grant bail to the applicants.
6. Applicant No.1/**Smt. Prem Kumari Verma** has already been granted temporary bail.
7. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) 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.

As the applicant No.1/Smt. Prem Kumari is on temporary bail, personal bond and surety furnished at the time of grant of temporary bail is discharged.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Rekha