

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.5995 of 2020**

- Nirmala Yadav W/o Mohan Lal Yadav Aged About 53 Years R/o Village Railway Colony, Akaltara, Police Station And Tahsil Akaltara, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through District Magistrate, Raigarh, Police Station Punjipathra, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For Applicants : Shri N. K. Chatterjee, Advocate
 For Respondent/State: Shri Dinesh Tiwari, Dy.GA

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****05/11/2020**

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.137/2020 registered at Police Station Punji Pathra, District Raigarh for the offence punishable under Section 304-B, 34 of the IPC. The applicant was arrested on 05-08-2020.
2. Case of the prosecution is that daughter-in-law of the applicant was found dead in the house, which was locked. She died suspicious death in the matrimonial house. The allegation against the present applicant is that she has committed cruelty on the deceased on account of demand of dowry.
3. Learned counsel for the applicant would submit that as far as the present applicant is concerned, in none of the statements recored under Section 161 of Cr.P.C. by the police, there is any allegation of cruelty committed by the present applicant on the daughter-in-law (deceased). He would submit that in all the statements, the allegation of cruelty is on the husband of the deceased, not on the present applicant and further that the husband of the deceased has eloped

and the wife was found dead in the matrimonial house. As far as the role of the present applicant is concerned, she has been falsely implicated in this case only on suspicion. It is next submitted that there are allegations that in the year 2019, some demands were made by the present applicant, but there is no allegation of subjecting the deceased to cruelty in connection with demand of dowry. In these circumstances, learned counsel for the applicant prayed that the applicant may be granted bail.

4. On the other hand, learned State counsel opposes the bail application by submitting that though, there are no specific allegations of cruelty against the present applicant, in the case diary statements of mother, father and the sister of the deceased, there is an allegation that demand of Rs.5 Lakh for the purpose of purchasing machine was made by the present applicant. He further submits that the deceased was found dead in suspicious circumstances in the matrimonial house and door was locked and the present applicant resided in the same house, where the deceased was found dead and the husband of the deceased was absconding, which prima facie involves the applicant in the alleged offence.

5. On prima facie considerations, involvement of the applicant is based mainly on the allegation that earlier the applicant had demanded cash of Rs.5 Lakh for purchasing machine. However, there is a considerable force in the submission of learned counsel for the applicant that in the case diary statement of father, mother and sister of the deceased, there is no specific allegation of cruelty committed by the applicant on the deceased and that in the circumstances that the deceased was found dead in the matrimonial house, her husband absconded, therefore, considering the aforesaid material on record, I am inclined to enlarge the applicant on bail.

6. Accordingly, the bail application(M.Cr.C.No.5995 of 2020) is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with two local surety for the like amount to the satisfaction of the Trial Court on the condition that she shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Judge