

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.6299 of 2020**

1. Bhagwat Prasad S/o Patiram Yadav Aged About 54 Years R/o Gram Hardi Bazar, Jp. S. Kusmunda, Chowki Hardi Bazar, District Korba Chhattisgarh., District : Korba, Chhattisgarh
2. Deendayal Yadav @ Rajesh S/o Bhagwat Prasad Aged About 34 Years R/o Gram Hardi Bazar, Jp. S. Kusmunda, Chowki Hardi Bazar, District Korba Chhattisgarh., District : Korba, Chhattisgarh

**---- Petitioners****Versus**

- State Of Chhattisgarh Through Police Chowki Hardi Bazar, P.S. Kusmunda, District Korba Chhattisgarh., District : Korba, Chhattisgarh

**---- Respondent**


---

|                      |   |                               |
|----------------------|---|-------------------------------|
| For Applicant        | : | Shri Maneesh Sharma, Advocate |
| For Respondent/State | : | Shri Gagan Tiwari, Dy.GA      |
| For Objector         | : | Shri Punit Ruparel, Advocate  |

---

**Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava****Order On Board****15/10/2020**

Heard.

1. The applicants have moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.289/2020 registered at Police Station Chowki-Hardi Bazar, P. S. Kusmunda, District Korba for the offence punishable under Section 306/34 of the IPC. The applicants were arrested on 24-08-2020.
2. Prosecution case is that the present applicants and other accused harassed, tortured and also physically assaulted the deceased, due to which, she committed suicide.
3. Learned counsel for the applicant would submit that all the allegations leveled against the applicants are false and fabricated. He would submit that merely because, the deceased, wife of applicant No.2, committed suicide in the matrimonial house, an afterthought story has been built up by her father and other relatives regarding harassment and cruelty. He would further argue that

FIR itself was lodged after about 25 days. He would submit that at the time of inquest and panchnama, none of the relatives of the deceased made any kind of allegations, but it was made after 25 days. He would also submit that so-called phone calls made by the deceased and the story of incident held on 13-03-2020 are all fabricated story and there are no call records produced along with the charge sheet. He would submit that statement of children under Section 161 of Cr.P.C. have also been recorded and they have categorically stated that their mother was never harassed or subjected to any kind of cruelty by the father or anyone else in the family member, therefore, the entire case of the prosecution becomes highly doubtful. He would submit that other family members, against whom, similar allegations have been leveled, have been granted the benefit of anticipatory bail by this Court and as in the present case, investigation is complete, charge sheet has been filed and the applicants are in jail since 24-08-2020, they may be granted bail.

4. On the other hand, learned counsel for the State/non-applicant as well as learned counsel for the Objector opposes the bail application by submitting that in the FIR as also in the case diary statement, there is categoric mention of harassment and cruelty meted out to the deceased and allegations are mainly against the father-in-law and the husband. He would submit that in the FIR, there is categoric mention about the incident held on 13-03-2020, when the deceased was harassed and tortured so much so that she was brought back to her parental house. He would also submit that in this incident also, a call was received that the prosecutrix was being harassed by her father-in-law and husband has also committed marpeet.

5. Taking into consideration the aforesaid submission of learned counsel for the parties and the manner, in which, the deceased died in her matrimonial house by consuming veterinary medicine and the material against the present applicants, the present does not appear to be a fit case for grant of bail.

6. Accordingly, the bail application is rejected.

Certified copy as per rules.

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