

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7158 of 2020**

- Narsingh Manikpuri S/o Shri Chhabilal manikpuri, aged about 23 years, Occupation-Agriculture Labour, R/o Village- Dhumabhatha, Police Station and Tahsil- Baramkela, District Raigarh C.G.

-----Applicant**Versus**

- State of Chhattisgarh Through District Magistrate, Raigarh through- the Officer in charge of Police Station Baramkela, District Raigarh, Chhattisgarh

---- Non-applicant**WITH****MCRC No. 7203 of 2020**

- Ravidas Manikpuri S/o Shri Kushwa Manikpuri, aged about 55 years, R/o Village- Dhumabhatha, Police Station and Tahsil- Baramkela, District Raigarh C.G.

-----Applicant**VERSUS**

- State of Chhattisgarh Through District Magistrate, Raigarh through- the Officer in charge of Police Station Baramkela, District Raigarh, Chhattisgarh

-----Non-applicant

For Applicant(s)	:	Mr. Roop Naik, Advocate
For Non-applicant	:	Mr. Siddharth Dubey, Dy.Govt. Advocate.

Hon'ble Mr. Justice Parth Prateem Sahu**ORDER****16/12/2020**

1. Since the above Bail applications arise out of the same crime number, they are being disposed of by this common order.

2. MCRC No. 7158 of 2020 has been preferred by applicant Narsingh Manikpuri (husband of deceased) for grant of regular bail as he has been arrested in connection with Crime No.130/2020 registered at Police Station Baramkela, District Raigarh (C.G.) for the offence punishable under Section 304 B / 34 of IPC.
3. MCRC No. 7203 of 2020 has been preferred by applicant Ravidas Manikpuri (uncle in-law of deceased) for grant of regular bail as he has been arrested in connection with Crime No.130/2020 registered at Police Station Baramkela, District Raigarh (C.G.) for the offence punishable under Section 304 B / 34 of IPC.
4. Case of the prosecution is that on 16.07.2020 at about 08:00 am deceased Pushpa Mahant consumed poison. She was taken to hospital where during the course of treatment she died. Death of Pushpa Mahant was intimated, based upon which merg intimation number 20/2020 was registered and during the course of investigation, crime bearing no. 130/2020 was registered against the present applicants for offence defined under Section 304B of IPC.
5. Mr. Roop Naik, learned counsel for the applicants submits that the allegation levelled against the present applicants is by the cousin sister and cousin brother of the deceased. He submits that deceased Pushpa Mahant who was wife of applicant Narsingh Manikpuri had lost his father about 10 years prior to the date of marriage, her mother is suffering with mental ailment and hence, at the time of marriage one document was executed by Narsingh Manikupri in presence of Sarpanch of residential village of Pushpa Mahant

mentioning that applicant Narsingh Manikpuri will take care of her mother as well. Applicant Narsingh Manikpuri and deceased Pushpa Mahant were known to each other for about last 3-4 years prior to the date of marriage, hence, applicant Narsingh Manikpuri was well aware of the financial status of the family of deceased Pushpa Mahant. He further submits that due to normal wear and tear of the family, deceased might have taken such a step just within two months of marriage for which the applicant cannot be held to be liable. Applicants have not committed the nature of offence as alleged against them. He further submits that the statement of Fagudas is contradictory to the statement given by the other witnesses Ranjita Mahant, Uma Chouhan and Kalawati on the point that this witness has only stated with regard to relationship of Narsingh Manikpuri with another lady which does not form part of statement of other witnesses, hence, their statement is not reliable.

6. Opposing the submission made by learned counsel for the applicants, Mr. Siddharth Dubey, learned Deputy Government Advocate submits that deceased committed suicide within few months of marriage. There are ample material against the applicant Narsingh Manikpuri to connect him in the offences levelled against him. He referred the statement of Ranjita Mahant, Fagudas, Uma and Kalawati to support his contention.
7. I have heard learned counsel for the respective parties.
8. Considering the entirety of the facts and circumstances of the case, period of marriage between applicant Narsingh Manikpuri and late

Pushpa Mahant of only about 2 months and considering the statement of Sarpanch of parental place of deceased, without commenting on merits of the case, I am inclined to enlarge the applicants on Bail.

9. Accordingly, the bail applications are allowed. It is directed that the applicants shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.10,000/- each one with one surety in the like sum to the satisfaction of the Court on the conditions that-

- a) They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) The applicants shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicants are found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge