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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7266 of 2020**

1. Smt. Pratibha Singh, aged about 58 years, Wife of Shri Brijbhaan Singh, R/o Gadhelpara, Baikunthpur, district Koriya, C.G.
2. Praveen Singh, aged about 34 years, son of Shri Brijbhaan Singh, R/o Delhi, Presently R/o Ward No. 18, Gadhelpara, Baikunthpur, District Koriya C.G.

-----Applicants**Versus**

- State of Chhattisgarh through- the Station House Officer, Police Station Baikunthpur, District Koriya, Chhattisgarh

---- Non-applicant

For Applicant	:	Mr. Shashank Thakur, Advocate
For Non-applicant	:	Mr. Vikram Sharma, Dy.Govt. Advocate.

Hon'ble Mr. Justice Parth Prateem Sahu**ORDER****17/12/2020**

1. Applicants have preferred this application under Section 439 of CrPC for grant of regular bail as they have been arrested in connection with Crime No.251/2020 registered at Police Station Baikunthpur, District Koriya (C.G.) for the offence punishable under Section 304B/34 of IPC.
2. Case of the prosecution is that deceased Rupal Singh, who was wife of applicant no. 2, got married with him on 20th June 2014, hanged herself and committed suicide on 25.09.2020 in her room of matrimonial home at Baikunthpur. Merg was reported and after merg

inquiry, on the basis of statement of Smt. Indira Singh, mother of deceased and father Laxman Singh, offence was registered against the present applicants and they were arrested.

3. Mr. Shashank Thakur, learned counsel for the applicants submits that applicant no. 2 is in service in Indian Army and prior to the date of incident, he was posted at Signals Unit Dibrugarh, Assam. He was transferred vide order dated 26.08.2020 to Unit at New Delhi. He has been granted leave of 01 month to join the transferred place, during that period, applicant no. 2 along with his wife and child came to his native place at Baikunthpur. At Baikunthpur, on the date of incident, in the evening, some dispute took place between applicant no. 2 and deceased Roopal Singh with regard to covering out the face by *Ghunghat*, on which, Roopal Singh became annoyed and locked herself in a room. There is no any allegation with regard to harassment, abuse or any dowry demand, just before the incident which is evident from *Whatsapp* messages sent by the deceased herself to applicant no. 2. He submits that from the material available in the case diary, offence, as alleged against the applicant, could not be made out. Applicant no. 2 himself informed the police that his wife locked herself in a room.
4. Opposing the submission made by learned counsel for the applicants, Mr. Vikram Sharma, learned deputy Government Advocate submits that the father and mother of the deceased Roopal Singh have very categorically made the statement that the applicants, time and again, were harassing the deceased on account of dowry and also on account of not covering with *Ghunghat* and

maintaining the dignity of family. He also submitted that as per statement under Section 161 of CrPC of the witnesses, there is allegation of harassment, assault and demand of money.

5. I have heard learned counsel for the respective parties.
6. Taking into consideration the nature of allegation levelled against the present applicants, the fact that deceased Roopal Singh was residing with applicant no. 2 at the place of his service, contents of *whatsapp* messages sent by her to her husband applicant no. 2, just prior to the incident, without commenting on merits of the case, I am inclined to enlarge the applicants on Bail.
7. Accordingly, the bail application is 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.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge