

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1973 of 2019

1. Bajrangi Chhata S/o Late Ajuram Chhata Aged About 65 Years
Caste Dhobi , R/o Near Majar , Nandu Parihar Gali, Kelabadi ,
Durg , Police Station , Tahsil And District Durg Chhattisgarh
2. Smt. Fulbasan Chhata W/o Bajrangi Chhata Aged About 55 Years
Caste Dhobi , R/o Near Majar , Nandu Parihar Gali, Kelabadi ,
Durg , Police Station , Tahsil And District Durg Chhattisgarh
3. Minendra Kumar Nirmalkar S/o Late Shri Makhanlal Nirmalkar Aged
About 37 Years Caste Dhobi R/o Village Junwani, Ward No 01, Post
Smriti Nagar, Chowk Jewra Sirsa , District Durg Chhattisgarh
4. Smt. Meenakshi Nirmalkar W/o Minendra Kumar Nirmalkar Aged
About 29 Years Caste Dhobi R/o Village Junwani, Ward No 01, Post
Smriti Nagar, Chowk Jewra Sirsa , District Durg Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through District Magistrate, Durg District Durg
Chhattisgarh

---- Respondent

AND

MCRCA No. 1567 of 2019

- Indravijay Kranti Kumar Chhanta S/o Shri Bajrangi Chhanta Aged
About 26 Years Caste Dhobi, R/o Near Majar, Nandu Parihar Gali,
Kelabadi, Durg, Police Station, Tahsil And District Durg Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through District Magistrate, Durg, District
Durg Chhattisgarh.

---- Respondent

For Applicant (in MCRCA No. 1973/2019) : Mr. T.K. Jha, Advocate.

For Applicant (in MCRCA No. 1567/2019) : Mr. T.K. Jha, Advocate.

For Respondent/State

: Ms. Smriti Shrivastava, P.L.

For Objector

:Mr. Amiyakant Tiwari, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

09/01/2020

1. Since, both the bail applications arise out of same crime number, therefore, they are being decided by this common order.
2. The applicants have filed these bail applications for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 802/2019, registered at Police Station Durg, Chowki Padmanabhpur, Distt. Durg (C.G.) for the offence punishable under Section 304(B) of the IPC.
3. As per prosecution story, applicant Indravijay Kranti is the husband of deceased Tuleshwari. Applicants Bajrangi Chhata & Smt. Fulbasan Chhata were the father-in-law and mother-in-law of the deceased. Applicant Minendra Kumar Nirmalkar is the husband of applicant Meenakshi Nirmalkar, applicant Meenakshi Nirmalkar was the sister-in-law of the deceased. Marriage between the deceased and applicant Indravijay Kranti was solemnized on 16/04/2019. On 28/08/2019, the deceased committed suicide in her maternal house by hanging herself. Allegedly, applicant Indravijay Kranti used to abuse the deceased and also demanded bike (Royal Enfield) & Fridge as a dowry and allegations against the other applicants is that they supported applicant Indravijay Kranti in this regard due to which, the deceased committed suicide. It is further the case of prosecution that soon before death of the deceased, she was subjected to cruelty on account of demand of dowry by the applicants.

4. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. Prima-facie no case can be made out against the applicants. Soon before death of the deceased, she was subjected to cruelty on account of demand of dowry by the applicants prima facie not established. The counsel further submits that Applicants Bajrangi Chhata & Smt. Fulbasan Chhata were the father-in-law and mother-in-law of the deceased and only general allegations have been made against them. Applicant Minendra Kumar Nirmalkar is the husband of applicant Meenakshi Nirmalkar, applicant Meenakshi Nirmalkar was the sister-in-law of the deceased and they both have resided separately from the deceased. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.
5. Per contra, learned counsel appearing on behalf of State and objector opposes the bail applications and submits that there are sufficient evidence available on record against the applicants and prima facie case is made out against them, therefore, they may not be granted benefit of anticipatory bail.
6. I have heard learned Counsel for the parties and perused the case diary minutely.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by learned counsel appearing for the parties and further considering the fact that against applicants Bajrangi Chhata and Smt. Fulbasan Chhata, only general allegations have been made and applicants Minendra Kumar Nirmalkar and Smt. Meenakshi Nirmalkar were resided separately, without further commenting on other merits of the case, in my considered opinion, applicants Bajrangi Chhata, Smt. Fulbasan Chhata, Minendra Kumar Nirmalkar and Smt. Meenakshi Nirmalkar are entitled to grant of anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed with regard to

applicants Bajrangi Chhata, Smt. Fulbasan Chhata, Minendra Kumar Nirmalkar and Smt. Meenakshi Nirmalkar.

9. With regard to applicant Indravijay Kranti Kumar Chhanta prima facie sufficient evidence available on record, therefore, I am not inclined to grant benefit of anticipatory bail to him.
10. Accordingly, the anticipatory bail application is rejected with regard to applicant Indravijay Kranti Kumar Chhanta (in MCRC No. 1567/2019).
11. It is directed that in the event of arrest, applicants Bajrangi Chhata, Smt. Fulbasan Chhata, Minendra Kumar Nirmalkar and Smt. Meenakshi Nirmalkar shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-
 - I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - III. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. 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.

Sd/-

(Arvind Singh Chandel)
Judge