

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1723 of 2019

1. Neera Ram Patel S/o Shri Panchram Aged About 61 Years R/o Chandra Nagar (Jatraj), Police Station Kotwali, Tahsil And District Korba, Chhattisgarh.
2. Ram Bai Patel W/o Neera Ram Patel Aged About 57 Years R/o Chandra Nagar (Jatraj), Police Station Kotwali, Tahsil And District Korba, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station City Kotwali, District Korba, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Vikash Pandey, Advocate.
For Respondent/State	: Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

24/01/2020

1. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 533/2019, registered at Police Station City Kotwali, Distt. Korba (C.G.) for the offence punishable under Sections 304-B read with 34 of the IPC.
2. As per prosecution story, the applicants are the father-in-law and mother-in-law of deceased Neera Patel, her marriage was solemnized with the son of the applicants on 10.07.2018. On 21.05.2019, deceased Neera Patel committed suicide by consuming some poisonous substance. Allegedly, after the marriage, the applicants and husband of the deceased had been objecting that she had not brought motorcycle with her as a dowry and they have also tortured her on the same ground. Two days before the incident, the husband of the deceased brought a bottle of

poison and said the deceased to consume it. On 20.05.2019, deceased told her father that her husband and the applicants committed *marpeet* with her. On 29.05.2019, father of the deceased Jagannath lodged a report against the applicants and other co-accused person, on the basis of said report, offence has been registered.

3. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that no offence can be made against the applicants. The applicants are 61 years and 57 years old persons, only general allegations have been made against them, main allegations have been made against co-accused/husband of the deceased. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application and submits that soon before death of the deceased, she was subjected to cruelty by the applicants on account of demand of dowry, therefore, the applicants may not be granted benefit of anticipatory bail.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that there is sufficient material available on record on the basis of which *prima facie* it is established that soon before the death of the deceased, she was subjected to cruelty by the applicants on account of demand of dowry. Looking to the evidence collected by the prosecution, without further commenting on other merits of the case, in my considered opinion, it is not a fit case for grant anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Arvind Singh Chandel)
Judge