

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 2107 of 2019

1. Vrindavan Yadav S/o Sukhnandan Yadav Aged About 55 Years R/o Ward No . 07, Infront Of High School Ahiwara, P.S. Nandini , District Durg Chhattisgarh.
2. Fattechand Yadav S/o Vrindavan Yadav Aged About 29 Years R/o Ward No . 07, Infront Of High School Ahiwara, P.S. Nandini , District Durg Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The District Magistrate Durg Chhattisgarh.

---- Respondent

For Applicants	: Mr. T.K. Jha, Advocate.
For Respondent/State	: Ms. Seema Dixit, P.L.
For Objector	: Mr. Bhupendra Singh, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

20/03/2020

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. 353/2019, registered at Police Station Nandini Nagar, Distt. Durg (C.G.) for the offence punishable under Sections 304-B, 34 of the IPC.
2. As per prosecution story, one Madhu Yadav has committed suicide by hanging herself. Mariage between Madhu Yadav and applicant no. 2 Fattechand Yadav was solemnized in the month of February 2019. After the death of Madhu Yadav, morgue was lodged and morgue enquiry was also conducted. On 30.11.2019, a written complaint has been submitted by father of the deceased namely Naresh Yadav, wherein it has been alleged that after the marriage, the applicants and other co-accused i.e. mother-in-law of the

deceased tortured the deceased and treated cruel behavior with her on account of demand of dowry. It has further been alleged that soon before the death of the deceased, she was subjected to cruelty on the same ground due to that she committed suicide. On the basis of said background, 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 at the time of morgue enquiry on 23.11.2019, statements of Father, Mother and Sister of the deceased namely Naresh, Amrit and Manisha were recorded at that time they have not stated anything against the applicant. Thereafter, false and fabricated report has been lodged on 30.11.2019. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of the State and objector opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary minutely.
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 facts that at the time of morgue enquiry on 23.11.2019, statements of Father, Mother and Sister of the deceased were recorded at that time they have not stated anything against the applicant and thereafter report has been lodged against the applicant. Without further commenting on merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicants shall be released on bail on 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 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