

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 214 of 2021**

1. Abdul Salim, S/o - Abdul Saeed, aged about 45 Years,
2. Wasim Ahmed, S/o - Abdul Saeed, aged about 35 Years

Both are R/o - Kasaipara, Ward No. 27, Rajnandgaon, Tehsil and District Rajnandgaon Chhattisgarh.

----Applicants

Versus

- State Of Chhattisgarh Through The District Magistrate, District - Rajnandgaon Chhattisgarh

----Non-applicant

For Applicants	Shri B.D. Guru and Shri Shaleen Singh Baghel, Advocates.
For State	Smt. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

17/02/2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of bail as they have been arrested in connection with Crime No.598/2020 registered at Police Station Kotwali, District Rajnandgaon, C.G. for the offence punishable under Sections 498A, 306, 34 of IPC.
2. Case of the prosecution, in brief, is that marriage between the applicant No.2 Wasim Ahmed and the deceased Rehana Parveen was solemnized on 17th April, 2011. The allegation against the present applicants is that on the day of reception ceremony, the present applicants started harassing the deceased

Rehana Parveen that she has not brought good items in her dowry and further demanded for more money in dowry from her parents. As a result of which, the deceased Rehana Parveen committed suicide by hanging herself from the ceiling fan on 25.07.2020. On report being lodged to the above effect, the aforesaid offence has been registered against the present applicants.

3. Learned counsel for the applicants submit that applicants are innocent persons and have been falsely implicated in this case. They submit that allegation against the present applicants is false and baseless as the deceased Rehana Parveen never made any complaint to her parents that she was being subjected to cruelty by the present applicants and other family members. They submit that deceased Rehana Parveen was suffering from depression as her only child was mentally disabled suffering from 80% intellectual disability. The FIR has been lodged with an inordinate delay of about 4 months from the date of incident. The applicants are in jail since 19.11.2020, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, they may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the fact that

the marriage between the applicant No.2 Wasim Ahmed and the deceased Rehana Parveen was solemnized on 17th April, 2011 and deceased committed suicide on 25th July, 2020, prior to this incident no any report or complaint was made by the deceased against the applicants regarding cruelty or instigation, no such physical injury was found on the body of the deceased as admitted by both the counsel, one child of deceased and applicant No.2, aged about 17 years, is suffering from 80% Mental Intellectual disability and the fact that charge sheet has already been filed, that there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time, without expressing any opinion on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the application is allowed. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

- (i) they 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 from disclosing such fact to the Court,
- (ii) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

- (iv) they shall not involve themselves in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh