

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 384 of 2021**

1. Shatrughan Patel, S/o Lochan Patel, aged about 55 Years,
2. Urmila Patel, W/o Shatrughan Patel, aged about 45 Years

Both by Caste Aghariya, R/o Village and Post Pirda, Police Station Basna, Tahsil Pithora, District Mahasamund, Chhattisgarh.

----Applicants

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Basna, District Mahasamund Chhattisgarh.

----Non-applicant

For Applicants
For State

Shri Kishore Narayan, Advocate.
Shri Anil Tripathi, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

23/02/2021

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.571/2020 registered at Police Station Basna, District Mahasamund, C.G. for the offence punishable under Sections 304-B, 34 of IPC.
2. Case of the prosecution, in brief, is that the father of the deceased made a complaint stating in it that his daughter was married to co-accused Naresh Patel in the year 2014. However, after one year of the marriage the deceased was harassed for demand of dowry by her husband, father-in-law and mother-in-law. As a result of which, the deceased Meena Patel committed suicide by consuming

poison on 07.08.2020. On report being lodged to the above effect, the aforesaid offence has been registered against the present applicants.

3. Learned counsel for the applicants submits that applicants are innocent persons and have been falsely implicated in this case. He submits that allegation against the present applicants is false and baseless as the deceased Meena Patel never made any complaint against the present applicants and co-accused regarding demand of dowry. He submits that in the dying declaration of deceased nothing has been attributed against the present applicants and co-accused. The applicants are in jail since 08.12.2020, 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 co-accused Naresh Patel and deceased was solemnized in the year 2014 and deceased committed suicide on 07.08.2020, prior to this incident no any report or complaint was made by the deceased against the present applicants regarding demand of dowry, further considering the dying declaration of the deceased which was recorded on 07.08.2020 where no allegation was made by the deceased regarding demand of dowry and cruelty against the present applicants and that only over some dispute with

her husband she consumed pesticide, only general & omnibus allegations were made by parents of the deceased against the present applicants, the fact that charge sheet has already been filed, there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and 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