

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 963 of 2021**

- Smt. Gouri Sharma, W/o Ashok Sharma, aged about 35 Years, Resident of Village Kamta, Police Station and Tahsil Nawagarh, District Bemetara Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Nawagarh, District Bemetara, Chhattisgarh.

----Non-applicant

For Applicant	Shri Vipin Singh, Advocate.
For State	Shri Sameer Uraon, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****19/03/2021**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of bail as she has been arrested in connection with Crime No.136/2020 registered at Police Station Nawagarh, District Bemetara, C.G. for the offence punishable under Sections 498-A, 304-B, 34 of IPC.
2. Case of the prosecution, in brief, is that on 02.06.2020, the deceased namely Pritika, who was the sister-in-law (*Devrani*) of the applicant, committed suicide by setting herself ablaze. After the incident, as per complaint made by brother of the deceased- Hirendra Kumar Dubey, the aforesaid offence was registered against the present applicant alongwith co-accused Kamal Sharma, who is the husband of the deceased.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that allegation against the present applicant is false and baseless as the deceased Pritika never made any complaint against the present applicant and co-accused regarding demand of dowry. He submits that in the dying declaration of deceased nothing has been attributed against the present applicant. The applicant is in jail since 13.01.2021, charge sheet has already been filed, conclusion of the trial is likely to take some time and that co-accused- Kamal Sharma (husband of the deceased) in this case has already been granted regular bail by the co-ordinate Bench of this Court vide order dated 03.11.2020 passed in MCRC No.5365 of 2020 and, therefore, the applicant be released on bail on the ground of parity.
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, prior to this incident no report or complaint was made by the deceased against the present applicant regarding demand of dowry, further considering the dying declaration of the deceased where she stated that she committed suicide because her husband (co-accused) and Jethani (present applicant) were committing cruelty without mentioning that the cruelty was in connection with demand of dowry, the fact that co-accused in this case namely Kamal Sharma (husband of the deceased) has already been granted regular bail by the co-ordinate Bench of this Court in MCRC No.5365 of 2020 vide order dated

03.11.2020, the detention period of the applicant, who is 35 years old, the charge sheet has already been filed, the fact that the applicant has no criminal antecedent and there is no likelihood of the applicant 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 applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the concerned trial Court, she shall be released on bail on the following conditions:-

- (i) she 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) she shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.
- (iv) she shall not involve herself in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
Judge