

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 1420 of 2021

- Madhuri Banjara wife of Vishnu Prasad Banjara, aged about 55 years, R/o. Village Gurma, Police Station Syang, Tahsil & District Korba (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through Police Station Syang, Tahsil & District Korba (C.G.)

---- State/Non-applicant

And

M.Cr.C. No. 1432 of 2021

1. Banwari Lal Banjara son of Vishnu Prasad Banjara, aged about 23 years
 2. Vishnu Prasad Banjara son of Fulsingh, aged about 60 years
- Both are R/o. Village Gurma, Police Station Syang, Tahsil & District Korba (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through Police Station Syang, Tahsil & District Korba (C.G.)

---- State/Non-applicant

For Applicants : Shri Pushpendra Kumar Patel, Advocate

For Non-Applciant/State : Shri Anand Verma, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

22.06.2021

1. As both the above first bail applications under Section 439 of Cr.P.C. preferred by the applicants arise out of the same Crime Number i.e. 01/2021 registered in Police Station-Syang, Tahsil & District Korba (CG) for the

offence punishable under Section 304B read with Section 34 IPC, they are being disposed of by this common order.

2. Case of the prosecution, in brief, is that Chandni Banjara (deceased) was married to applicant Banwari Lal Banjara in the year 2019 and since then she was living with her husband, father-in-law applicant Vishnu Prasad Banjara and mother-in-law applicant Madhuri Banjara. However, in the night of 13.10.2020 Chandni Banjara committed suicide by hanging herself at her matrimonial home. During investigation, statements of the parents, brother, sister, relatives and neighbours of the deceased were recorded which revealed that the applicants used to harass the deceased over trivial household issues and in connection with demand of dowry and therefore, being fed up with this ill-treatment she committed suicide by hanging.
3. After arguing for some time, learned counsel for the applicants seeks to withdraw the bail application on behalf of applicant No.1 Banwari Lal Banjara in M.Cr.C. No. 1432/2021.
4. Accordingly, the bail application (M.Cr.C. No. 1432 of 2021) on behalf of applicant No.1 Banwari Lal Banjara is dismissed as withdrawn.
5. Now this Court considers the bail application on behalf of applicant Madhuri Banjara in M.Cr.C. No. 1420/2021 and the bail application on behalf of applicant No.2 Vishnu Prasad Banjara in M.Cr.C. No. 1432/2021.
6. It is submitted that applicants Madhuri Banjara & Vishnu Prasad Banjara are mother-in-law & father-in-law and applicant Banwari Lal Banjara is husband of the deceased.
7. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 11.01.2021, and due to Covid-19 pandemic, conclusion of the trial is likely to take some time. He also submits that there is no role attributed to the applicants (mother-in-law & father-in-law) and no specific allegations against them that they had demanded any dowry from the deceased or her parents or the

deceased was being subjected to cruelty and harassment by them. Therefore, the applicants be released on bail.

8. On the other hand, learned counsel for the State opposes the bail applications on behalf of Madhuri Banjara & Vishnu Prasad Banjara in respective bail applications.

9. Heard learned counsel for the parties.

10. Having regard to the facts and circumstances of the case that there is no specific allegation against them that they were demanding any dowry from the deceased or her parents or the deceased was being subjected to cruelty and harassment by them, the age of applicants Madhuri Banjara & Vishnu Prasad Banjara i.e. 55 & 60 years, the detention period of the applicants, charge-sheet has already been filed, due to Covid-19 pandemic, conclusion of the trial is likely to take some time, that there is no apprehension of the applicants tampering with the evidence or absconding and also they have no criminal antecedents as admitted by both the counsel, without expressing any opinion on merits of the case, the applications are allowed.

11. It is directed that in the event of each of the applicants namely Madhuri Banjara & Vishnu Prasad Banjara 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/her 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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- v. they shall not involve themselves in any offence of similar nature in

future.

12. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar nature of offence.

13. In the result, M.Cr.C. No. 1420 of 2021 is allowed and M.Cr.C. No. 1432 of 2021 is allowed in part on the above terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge

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