

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2522 of 2021**

1. Smt. Geeta Devi, W/o Shri Vrijkeshwar Gupta, Aged About 68 Years, Occupation House Wife, R/o Ring Road Jarhagarh, P.S. and Tahsil Ambikapur, District Surguja, Chhattisgarh.
2. Saraswati Gupta, D/o Vrijkeshwar Gupta, Aged About 33 Years, Occupation House Wife, R/o Ring Road Jarhagarh, P.S. And Tahsil Ambikapur, District- Surguja, Chhattisgarh.

---- Applicants**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicants	:	Shri Sumit Singh Rathore and Shri Rahul Agrawal, Advocates.
For Respondent/State	:	Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****05/08/2021**

1. The Applicants have preferred this fifth bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 221/2018, registered at Police Station – Ambikapur, District – Surguja, (C.G.), for the offence punishable under Sections 307, 498, 34 of the Indian Penal Code.

2. On 23.08.2018, the first bail application (M.Cr.C. No.5468/2018) was dismissed as withdrawn seeking liberty to file a fresh application after examination of the injured complainant Khusbu. On 30.10.2018, the second bail application (M.Cr.C. No.7222/2018) was dismissed as no new ground was found to entertain the application. On 14.11.2019, the third bail application (M.Cr.C. No.5660/2019) was dismissed as withdrawn. On 05.08.2020, the fourth bail application (M.Cr.C. No.3320/2020) was dismissed as withdrawn seeking liberty to file afresh after six months, if trial is not concluded.
3. In the present case, there are three accused persons. Applicant No.1 is the mother-in-law and applicant No.2 is the sister-in-law of the complainant/injured. The third accused person is the brother-in-law (devar) of the complainant who has already been granted bail and released from jail. As per the prosecution story, after the marriage of the complainant/injured, present applicants and other co-accused persons used to torture and harass the complainant on account of demand of dowry. It is further alleged that on 26.04.2018 all the accused persons, for demand of dowry, tried to kill the complainant by pouring kerosene oil on her. Thereafter, matter was reported and applicants were arrested on 28.04.2018.
4. Shri Sumit Singh Rathore, Counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that charge-sheet has been filed and applicants are in jail since 28.04.2018. It is further submitted that total six witnesses including the complainant have

already been examined before the trial Court and after examination of the complainant/injured, both the parties have settled their matter and complainant has no objection for grant of bail to the applicants. Trial is likely to take some time and therefore, it is prayed that applicants may be released on bail.

5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the annexed documents.
7. Considering the facts and circumstances of the case and particularly considering the facts that applicants are in jail since 28.04.2018 and both the parties have settled their matter, without further commenting on other merits of the case, I am inclined to release the applicants on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 20,000/- each with one solvent surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge