

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3720 of 2021**

1. Kunwariya Bai W/o Tirath Ram Aged About 57 Years R/o Village - Madanpur, Police Station Pipariya, Tahsil Kawardha, District Kabirdham Chhattisgarh.

---- Applicant**Versus**

1. State of Chhattisgarh Through Station House Officer, Police Station Pipariya, District Kabirdham Chhattisgarh.

---- Respondent**MCRC No. 3724 of 2021**

1. Tirath Ram S/o Heera Lal Sahu, Aged About 60 Years (Wrongly Mentioned As 55 Years In The Order Sheet), R/o Village - Madanpur, Police Station - Pipariya, Tahsil - Kawardha, District - Kabirdham Chhattisgarh.

---- Applicant**Versus**

1. State of Chhattisgarh, Through - Station House Officer, Police Station - Pipariya, District - Kabirdham Chhattisgarh.

---- Respondent

For Applicants	-	Shri Dharmesh Shrivastava, Advocate.
For Respondent	-	Shri Anil Tripathi, Panel lawyer.

Hon'ble Justice Shri N.K. Chandravanshi
Order on Board

22-11-2021

1. Since both the bail applications are arising out of the same crime number, they are being heard and decided by this common order.
2. MCRC No. 3720/2021 is the **fifth bail application** and MCRC No.3724/2021 is the **fourth bail application** preferred by the applicant Kunwariya Bai and Tirath Ram respectively before this Court. The earlier fourth and third bail applications of Kunwariya Bai and Tirath Ram respectively were dismissed by the coordinate Bench of this High Court.
3. The applicants have preferred these bail applications under Section 439 of the Cr.P.C., as they have been arrested in connection with Crime No.49/2019, Sessions Trial No.18/2019 registered at Police Station Pipariya, District – Kabirdham (C.G.) for the Offence punishable under Sections 498-A, 306, 34 of the Indian Penal Code.
4. Brief facts of the case is that marriage of deceased Kanti Bai was solemnized with Chintaram (Son of the present applicants) in the year 2011. After the marriage, applicants and his son used to harass the deceased by saying that she has illicit relationship with some other person and also she is the cause of death of their elder son. They also used to abuse her. Due to harassment made by the applicants and accused Chintaram, deceased Kanti Bai set herself ablaze. Consequently, she died in the hospital on 08-02-2019.

5. Learned counsel for the applicants would submit that the applicants have never harassed the deceased in any way and they have no any criminal antecedent. This is the first crime registered against the applicants. He would next submit that trial is going on. Out of 21 witnesses, only 13 witnesses have been examined. Examination of remaining witnesses is likely to take some more time. Applicants are in jail for about two years and eight months. There is no evidence against the applicants which may prove abetment for committing suicide by the deceased. Furthermore, he submits that applicants are permanent resident of District Kabirdham, hence, considering the above facts, they may be enlarged on bail.
6. Learned State counsel would vehemently oppose the bail applications filed by the applicants stating that earlier bail applications have been rejected on merits. Hence, they may not be released on bail.
7. Considering the entire facts situation of the case; nature and gravity of the offence and also taking into consideration that the applicants are in jail for about two years and eight months; out of 21 witnesses, only 13 witnesses have been examined, it seems that the conclusion of trial is likely to take considerable time, applicants are permanent resident of District Kabirdham and also considering the facts and submissions made in this regard, I feel inclined to enlarge the applicants on bail.

8. Accordingly, both the bail applications are allowed. It is directed that if each of them furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond in the like sum to the satisfaction of the trial Court concerned for their appearance before the concerned Court as and when directed by the said Court, they be released on bail.

SD/-

(N.K. Chandravanshi)
Judge

Amardeep