

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3928 of 2021**

1. Bhaarat Patel, S/o Shree Ram Jhool Patel, Aged About 55 Years,
  2. Jagendra Patel, S/o Bhaarat Patel Aged About 31 Years,
- Both are R/o Kesharuadih, Police Station Jarhagaon, District Mungeli Chhattisgarh.

---- Applicants

**Versus**

- State Of Chhattisgarh Through SHO Of Police Station Jarhagaon, District Mungeli Chhattisgarh.

---- Respondent

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For Applicants : Mr. Pallav Mishra, Adv.

For Respondent/State : Mr. Roshan Dubey, P.L.

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**Hon'ble Smt. Justice Rajani Dubey**

**Order on Board**

**30.06.2021**

1. Heard.
2. The accused/applicants have moved this **third bail application** under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 111/2020 registered at Police Station- Jarhagaon, District Mungeli (C.G.) for the offence punishable under Sections 304 (B) & 34 of IPC Section 3 & 4 of Dowry Prohibition Act 1961.
3. The first bail application of the applicants was dismissed as withdrawn with liberty to renew the same after examination of material witnesses vide order dated 10.08.2020 passed in MCRC No. 3744/2020.
4. The second bail application of the applicant was dismissed as withdrawn with liberty to file appropriate petition before appropriate Bench vide order dated 11.12.2020 passed in MCRC No. 8024/2020.
5. The prosecution story, in brief is that, it has been alleged that present applicants used to harass and torture the deceased on account of

demand of dowry and they used to beat the deceased as a result of which, she died. Thereafter, offence has been registered against the present applicants and they have been taken into custody.

6. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that there is no direct and specific allegation against the applicants. He next submits that prosecution witnesses including sister and maternal uncle of the deceased have not supported the prosecution case before the trial Court and turned hostile. The applicants are in jail since 01.06.2020 and there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
7. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that allegation made against the present applicants is of serious in nature, therefore, no case is made out for grant of bail.
8. I have heard learned counsel for the parties and perused the case records.
9. Taking into consideration the nature and gravity of the offence, totality of the facts and circumstances of the case, quality of evidence, in particular prosecution witnesses including sister and maternal uncle of the deceased have not supported the prosecution case before the trial Court and turned hostile. The applicant is in jail since 01.06.2020 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
10. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/-, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

**Sd/-  
(Rajani Dubey)  
Judge**