

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 4644 of 2021

1. Smt. Suraj Bai (wrongly mentioned as Surja Bai in the order copy) W/o Ganeshram Sori (wrongly mentioned as Ganeshram Shori In The Order Copy) Aged About 67 Years,
2. Smt. Veena Devi, W/o Chhabhi Lal Sori (wrongly mentioned as Chhabhi Lal Shori in the order copy) Aged About 41 Years,

Both are R/o Charauda Op. Baya, P.S. Rajadevri, District- Balodabazar, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh, P.S. Rajadevri, District- Balodabazar- Bhathapara, Chhattisgarh.

---- Non-Applicant

For Applicants : Shri Pragalbha Sharma, Advocate

For Non-Applicant/State : Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

10.08.2021

Heard.

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 01.04.2021 in connection with Crime No. 35/2020, registered at Police Station- Rajadevri, District- Balodabazar (C.G.) for the offence punishable under Section 304 B/34 of IPC
- 2) As per prosecution story, the marriage of the deceased namely Nirmala Sori took place one year ago with the son of applicant no. 1 namely Ajay Kumar. The applicant no. 2, sister-in-law (jethani) of the deceased alongwith applicant no.1 used to harass and ill-treat the deceased in connection with demand of dowry, as a result of which the deceased committed suicide by

consuming pesticide on 27.04.2020.

- 3) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submits that the basic ingredients for making out a case under Section 304B/34 of IPC are missing and there is inordinate delay in lodging of FIR. During inquest proceedings father of the deceased stated nothing against the applicants. The applicants are women, applicant no.1 is 67 years old and applicant no.2 has small kids, charge-sheet has already been filed, the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding and the applicants are in jail since 01.04.2021 and trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-applicant/State opposes the bail application.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the applicants, inquest report was prepared on 27.04.2020 in front of Bahuri Bai, Tejram, Mahesh Ram who are relatives of the deceased and they have stated nothing against the applicants, after two months of the incident statement of father of the deceased was recorded and he stated that he has no knowledge about demand of dowry till the death of the deceased, as per statement of brother of the deceased only allegation against applicants is regarding demand of mixer machine which was gifted at the time of marriage to the deceased, looking to statements of Indrakumar Nagwanshi, Kameshwari Baghel, Gajendra Kumar Nagwanshi, Sumitra Bai nagwanshi no specific allegation made against the applicants regarding demand of of dowry, there is no mention in the record regarding cruelty, physical & mental harassment made against the deceased, there is no sign of assault, the detention period of

the applicants, who are 67 and 41 years old and the fact that the applicants have no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, the application is allowed.

6) It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs. 50,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on the following conditions:-

- (a) 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 from disclosing such fact to the Court,
- (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,
- (d) they shall not involve themselves in any offence in future,
- (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

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 offence in future.

Sd/-
(Gautam Chourdiya)
Judge