

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5285 of 2021

1. Gajendra Bharadwaj, S/o Birju Aged About 22 Years, Resident of Kerawahi, Police Station Kondagaon, District-Kondagaon, Chhattisgarh.
2. Birju Bharadwaj, S/o Mansingh, Aged About 45 Years, Resident of Kerawahi, Police Station Kondagaon, District- Kondagaon, Chhattisgarh. **---- Applicants**

Versus

- State of Chhattisgarh, Through- The Police Station Kondagaon, District- Kondagaon, Chhattisgarh. **---- Non-Applicant**

For Applicants : Shri Raza Ali, Advocate

For Non-Applicant/State : Shri Adil Minhaj, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

25.08.2021

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 14.06.2021 in connection with Crime No.182/2021 registered at Police Station- Kondagaon, District- Kondagaon for the offence punishable under Section- 304 (B) of IPC.
- 2) Allegation against the applicants is the they used to harass & torture the deceased Purnima Bhardwaj physically and mentally in connection with demand of dowry. Being fed of with this, the deceased committed suicide by sprinkling kerosene on her body on 02.05.2021 in her room and she died during the course of treatment.
- 3) Learned counsel for the applicants submits that the applicants

have been falsely implicated in the crime in question. Learned counsel for the applicants further submits that applicant No.1 solemnized love marriage with the deceased because of this she was ill-treated by her family members. As per merger no allegation has been made against the applicants. It is further submitted that applicant No.1 has 8 months child and no one is there to take care of child. The applicants have no criminal antecedents, there is no likelihood of them tampering with the prosecution evidence or absconding. The applicants are in jail since 14.06.2021 and trial is likely to take some time for disposal. Therefore, the applicants be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-applicant/State vehemently 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 present applicants, statements of the parents of the deceased, the fact that the deceased after one year of her marriage committed suicide by sprinkling kerosene on her and other material available on record, without commenting anything on merit of the case, the bail application is rejected.

Sd/-
(Gautam Chourdiya)
Judge

Nadim