

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 5424 of 2021

1. Shrikant Verma S/o. Lalchand Verma, aged about 26 years,
2. Lalchand Verma S/o Adit Verma, aged about 50 years
3. Kumari Bai W/o Lalchand Verma, aged about 45 years

All are R/o Village- Annya Nawagaon, Out post- Mohara, Thana – Dongargarh, District Rajnandgaon (C.G.)

---- Applicants

Versus

- The State of Chhattisgarh, Through Out Post- Mohara, Thana – Dongargarh, District Rajnandgaon (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Samir Singh, Advocate
For Non-Applicant/State	:	Shri Rahim Ubwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

23.09.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 27.03.2021 in connection with Crime No. 173/2021 registered in Police Station Out post- Mohara, Thana – Dongargarh, District Rajnandgaon (CG), for the offence punishable under Sections 304-B, 498-A/34 of IPC and Section 4 of Dowry Prohibition Act.
2. Case of the prosecution, in brief, is that Bharti Verma (deceased) was married to applicant No. 1 Shrikant Verma prior to seven years of her death and since then she was living with her husband Shrikant Verma, father-in-law Lalchand Verma, mother-in-law Kumari Bai and brother-in-law Roshan. However, 24.03.2021 Bharti Verma committed suicide by hanging herself at her matrimonial home. During investigation, it was revealed that the applicants used to harass the deceased over trivial domestic issues, beat her in connection with demand of dowry and therefore, being fed up with this ill-treatment she committed suicide by hanging.
3. Learned counsel for the applicants seeks to withdraw the bail application on

behalf of applicant No.1 Shrikant Verma with liberty to file a fresh application as and when occasion arises.

4. Accordingly, the bail application on behalf of applicant No.1 Shrikant Verma is dismissed as withdrawn with the liberty as stated above.
5. Now this Court considers the bail application on behalf of applicant No. 2 Lalchand Verma and applicant No.3 Kumari Bai.
6. Applicant No.1 Shrikant is husband, applicant No.2 Lalchand Verma is father-in-law and applicant No.3 is mother-in-law of deceased Bharti Verma.
7. Learned counsel for the applicants submits that applicants No. 2 & 3 have been falsely implicated in this crime, they are languishing in jail since 27.03.2021 and due to Covid-19 pandemic, conclusion of the trial is likely to take some time. He also submits that there is no role attributed to the applicants (father-in-law & mother-in-law) and no specific allegations against them that they had demanded any dowry from the deceased or the deceased was being subjected to cruelty and harassment by them. Therefore, applicants- Lalchand Verma and Kumari Bai be released on bail.
8. On the other hand, learned counsel for the State opposes the bail application on behalf of applicant No. 2 Lalchand Verma and applicant No.3 Kumari Bai.
9. Heard learned counsel for the parties.
10. Having regard to the facts and circumstances of the case, the fact that the entire allegation made against applicant No.1 Shrikant Verma who assaulted the deceased, as per postmortem report injuries were found on the body of the deceased, only general allegation against applicants No. 2 & 3 (father-in-law and mother-in-law) regarding demand of dowry and no specific allegation against them that the deceased was being subjected to cruelty and harassment by them, the detention period of the applicants No. 2 & 3 who are 45 & 50 years old, due to Covid-19 pandemic, conclusion of the trial is likely to take some time, that there is no apprehension of the applicants

tampering with the evidence or absconding and also they have no criminal antecedents as admitted by both the counsel, without expressing any opinion on merits of the case, the bail application on behalf of applicant No.2 Lalchand Verma and applicant No.3 Kumari Bai is allowed.

11. It is directed that in the event of each of applicants, namely Lalchand Verma and Kumari Bai, executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail, on following conditions :-

- i. 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/her from disclosing such fact to the Court.
- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- iv. they shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- v. they shall not involve themselves in any offence of similar nature in future.

12. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant No.2 and 3 violating any of the aforesaid terms and conditions.

13. In the result, the bail application on behalf of applicant No.1 Shrikant Verma is dismissed as withdrawn with the liberty as prayed for, whereas bail application on behalf of applicant No.2 Lalchand Verma and applicant No.3 Kumari Bai is allowed on the aforesaid terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge