

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7265 of 2020

1. Rajnarayan S/o Late Keval Saw, Aged About 50 Years (Wrongly Mention Sai),
 2. Jautri Devi W/o Rajnarayan, Aged About 47 Years,
- Both are R/o Village Chunapathar, P.S. Sanawal, District Balrampur-Ramanujganj (C.G.).

----Applicants

Versus

1. State Of Chhattisgarh, Through The Station House Officer Police Station Sanawal, District Balrampur-Ramanujganj (C.G.).

---- Non-Applicant

For Applicants : Mr. Arun Kumar Shukla, Advocate.
For Respondent/State : Mr. Dinesh R.K. Tiwari, Dy. Govt. Advocate.

MCRC No. 9050 of 2020

1. Ravindra Gupta S/o Rajnarayan Gupta, Aged About 32 Years, R/o Chuna-Pathar Police Station, District Balrampur, Ramanujganj (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Sanawal, District Balrampur Ramnujganj (C.G.).

---- Non-Applicant

For Applicant : Mr. Awadh Tripathi, Advocate.
For Respondent/State : Mr. Dinesh R.K. Tiwari, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya
Order On Board

31/03/2021

- 1) Heard.

- 2) As both these applications arise out of the same crime number they are being disposed of by this common order.
- 3) Applicants have filed First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as they are in jail since 17/08/2020 in connection with Crime No. 26/2020, registered at Police Station Sanawal, District Balrampur Ramnujanj (C.G.) for the offence under Sections 304-B/34 of Indian Penal Code.
- 4) At the outset, learned counsel appearing for the applicant seeks to withdraw the application on behalf of applicant Ravindra Gupta in MCRC No. 9050/2020.
- 5) Accordingly, the application of Ravindra Gupta i.e. MCRC No. 9050/2020 is **dismissed as withdrawn**.
- 6) The case of the prosecution, in brief, is that Arti Gupta was married with son of applicant Ravidhra Gupta on 06/03/2018 and out of their wedlock one male child was born. It is alleged that the applicants and the husband of the deceased used to harass and torture the deceased in connection with demand of dowry as a result of which she committed suicide by hanging while residing in her parental home on 21/04/2020.
- 7) Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case. The ingredients necessary for attracting the offence under Section 304B of IPC are missing in this case. Applicants Rajnarayan and Jautri Devi are aged 50 and 47 years respectively, they in jail since 17/08/2020, charge sheet has already been filed, and trial is likely to take some time for its disposal. He further submits that there is no specific allegation against applicants that they committed any cruelty against the deceased. Therefore, the applicants deserve to be released on bail.
- 8) On the other hand, learned counsel for the State vehemently opposes the bail application.

- 9) Heard learned counsel for the parties.
- 10) Considering the facts and circumstances of the case, the fact that there is no specific allegation made against the applicants Rajnarayan and Jautri Devi regarding cruelty or causing bodily injury to the deceased, from the statements of the witnesses available in the case dairy it is seen that there used to be quarrel/dispute between the deceased and her husband where she was abused and beaten by her husband, the general and omnibus allegations have been made against the present applicants, the applicants Rajnarayan and Jautri Devi are aged 50 and 47 years respectively, they are in jail since 17/08/2020, charge sheet has already been filed, and there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the counsel, and that conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for releasing the applicants on bail. Accordingly, the application of applicant No. 1 Rajnarayan and applicant No. 2 Jautri Devi are **allowed**. It is directed that in the event of **each** of the applicants executing a personal bond for a sum of **Rs. 50,000/-** with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on the 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 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 not involve themselves in any offence of similar nature in future or else this order granting bail to the

applicants shall automatically stand cancelled without further reference to the Bench.

- 11) In the result, MCRC No. 9050/2020 is **dismissed as withdrawn** whereas MCRC No. 7265/2020 is **allowed** on the above terms and conditions.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant