

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6962 of 2021**

- Md. Samir @ Somu S/o Alfaz Hussain, Aged About 19 Years
Occupation - Student, R/o Village Palma, Police Station And
Tehsil - Jhilmilee, District - Surajpur (Chhattisgarh)

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Ambikapur,
District - Surguja (Chhattisgarh)

---- Respondent**AND****MCRC No. 7057 of 2021**

1. Md. Mustapha S/o Late Abdul Aji Aged About 63 Years
Occupation Agriculture, R/o Mohalla Mayapur, Gurudwara
Ward, Police Station Kotwali, Tehsil Ambikapur, District Surguja,
Chhattisgarh
2. Smt. Khurshida Begam W/o Md. Mustapha Aged About 60
Years R/o Mohalla Mayapur Gurudwara Ward, Police Station
Kotwali, Tehsil Ambikapur, District Surguja, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Police Station Ambikapur,
District Surguja, Chhattisgarh

---- Respondent

 For Applicants : Shri AK Yadav, Advocate
 For Respondent/State : Shri BL Sahu, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****26.11.2021.**

1. Since both the above mentioned applications are arising out of same crime number, both are being heard and disposed of by a common order.

2. These are first bail applications filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested on 30.7.2021 in connection with Crime No.663/2021 registered at Police Station Ambikapur, Distt. Surguja (C.G.), for the

offence punishable under Sections 304B & 34 of the Indian Penal Code, 1860 (for short 'IPC').

3. Brief facts of the case are that marriage of Shabiya Bano (since deceased) was solemnized on 24.10.2020 with accused Mohd. Rashid Hussain, who is son of applicants Md. Mustapha and Smt. Khrushida Begam. Applicant Md. Samir @ Somu is cousin brother of husband of the deceased. Allegation against the applicants is that they were not satisfied with the dowry received at the time of the marriage, hence, they used to torture the deceased physically and mentally since beginning. The deceased informed about the torture committed by her husband and present applicants to her parents and brother. Due to the harassment, she committed suicide by hanging on 29.6.2021 at her matrimonial house. Based on the above facts, present case was registered against the applicants under Sections 304B & 34 IPC.

4. Learned counsel for the applicants submits that the applicants never committed ill treatment with the deceased and no demand had been made for dowry at the time of marriage. Actual fact is that some one informed the deceased that her husband Mod. Rashid has illicit relation with another lady, due to which she used to quarrel with her husband and due to this dispute she committed suicide. He would next submit that applicants Md. Mustapha, father-in-law of the deceased and Smt. Khurshida Begam, mother-in-law of the deceased, are aged about 63 & 60 years respectively and applicant Md. Samir @ Somu is distant relative of the deceased. The applicants are in jail since 30.7.2021, charge sheet has been filed, hence, they may be released on bail.

5. On the other hand, learned counsel for the State while opposing the bail applications submits that the applicants have not only demanded dowry before and after marriage but due to their constant harassment, the deceased committed suicide within one year of her marriage. Hence, the applicants are not entitled for grant of bail.

6. I have heard learned counsel for the parties, perused the case diary and the material available on record.

7. Considering the facts and circumstances of the case, age of applicants Md. Mustapha and Smt. Khurshida Begam, distant relationship of applicant Md. Samir with the deceased, their detention period and also considering that charge sheet has been filed and also considering the material available in the case diary, I feel inclined to allow both bail applications. Therefore, the applications under Section 439 of the CrPC are allowed. It is ordered that if each of the applicants furnishes one solvent surety for a sum of Rs.50,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for their appearance before the concerned Court as and when directed by the said Court, they be released on bail.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE