

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7074 of 2021**

1. Bhagirathi Banjare, aged about 27 years, S/o Janu Ram Banjare, Address- Village : Changori, Tahsil – Tilda , P.S. Tilda-Neora, Dist. - Raipur (C.G.)

2. Neetu Kosley, Aged about 20 years, D/o- Mohanlal Kosley, R/o- Sheetla Para, Ward No. 07, Village -Chachaanpairi, District – Raipur (C.G.) Present Address- Village: Changori, Tahsil- Tilda, P.S.- Tilda-Neora, Dist. - Raipur (C.G.)

---- Applicants**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station – Tilda Neora, District Raipur (C.G.)

----Non-applicant

For Applicants : Mr. Y.C. Sharma, Senior Advocate with Mr. Ajay Kumar Chandra, Advocate.

For Non-applicant : Mr. Anil Tripathi, Panel Lawyer.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****18.11.2021**

(1) The applicants/accused have preferred this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail in connection with Crime No. 251/2021 registered at police Station Tilda Neora, District Raipur (C.G.) for commission of offence punishable under Sections 306,498-A & 34 of the IPC.

(2) Case of the prosecution, in brief, is that marriage of applicant No. 1 and Smt. Durga @ Kavita (since deceased) was solemnized in the year 2016. They were blessed with two sons and one daughter. Before 2-3 months of the

incident, applicant No. 1 -Bhagirathi Banjare brought applicant No. 2 – Neetu Kosley as his second wife, thereafter, due to physical & mental torture committed by the applicants, Smt. Durga @ Kavita consumed pesticides on 30.06.2021, as a result thereof, she died on 04.07.2021 during treatment. Based on the above facts, present crime was registered against the applicants and after due investigation, charge-sheet under Sections 498-A & 306 read with Section 34 of the IPC was filed against them.

(3) Learned Senior Counsel appearing for the applicants would submit that applicants have been falsely implicated in the crime in question, as they have not committed the alleged crime. Actually the fact is that, mother of deceased had died in the month of November, 2020, due to which, deceased was mentally disturbed, which she has stated in conversation over the phone with her sister and in this regard, copy of CD & copy of typed conversation has been filed by the applicant in this case. He would next submit that it is not a case of abatement to commit suicide as the applicant did not make any torture to the deceased. He would also submit that applicants are in detention since 25.08.2021; charge-sheet has already been filed on 22.10.2021, and the applicants are the permanent resident of District Raipur, hence, there is no chance to influence the prosecution witnesses or absconding of the accused persons and, therefore, the applicants are entitled to be released on bail.

(4) Per contra, learned counsel for the State while opposing the submissions made by counsel for the applicants would submit that after bringing the applicant No. 2- Neetu Kosley as second wife, both the applicants used to torture physically and mentally to the deceased and due to this reason, she has committed suicide by consuming pesticides, hence, the applicants are not entitled to be released on bail.

(5) Considering the facts & circumstances of the case; nature & gravity of the offence; also taking into consideration the fact that applicants are in detention since 25.8.2021, charge-sheet has already been filed and the applicants are said to be the permanent resident of District Raipur, hence,

there is no chance to influence the prosecution witnesses or absconding of the applicants, I am of the view that it is a fit case to release the applicants on bail. Accordingly, the bail application is allowed.

(6) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(N.K. Chandravanshi)
Judge

D/-

