

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6914 of 2021

1. Bhirendra S/o. Dolaram Kosle, aged about 26 years,
2. Dolaram S/o Mangta Kosle, aged about 63 years,
3. Sukhnandan S/o Dolaram Kosle, aged about 32 years,
4. Smt. Lachchhan Bai W/o Sukhnandan Kosle, aged about 26 years,
5. Sadh Bai W/o Dolaram Kosle, aged about 62 years

All are R/o Village- Chakrvay, Out post- Maro, Thana – Nandghat, District Bemetara (C.G.)

6. Smt. Shakuntala W/o Kanhaiya Chaturvedi, aged about 40 years, R/o Village – Chakrvay, At present R/o Kudhural, Thana – Lalpur, District Mungeli (C.G.)

---- Applicants

Versus

- The State of Chhattisgarh, Through Out post- Maro, Thana – Nandghat, District Bemetara (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Samir Singh, Advocate
For Non-Applicant/State	:	Shri Afroz Khan, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

27.10.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 27.07.2021 & 10.08.2021 in connection with Crime No. 264/2021 registered in Police Station Out post- Maro, Thana – Nandghat, District Bemetara (CG), for the offence punishable under Sections 304-B, 498-A/34 of IPC.
2. Case of the prosecution, in brief, is that the marriage of applicant No.1 Bhirendra and deceased Bhavna Kosle was solemnized in the year 2016. Since then the deceased was living with her husband Bhirendra, father-in-law Dolaram, mother-in-law Sadh Bai, brother-in-law Sukhnandan, wife Sukhnandan i.e. Smt. Lachchhan Bai, elder sister of her husband namely Smt. Shakuntala. However, 15.07.2021 deceased Bhavna Kosle committed suicide by hanging herself at her matrimonial home. During investigation, it

was revealed that the applicant No. 1 (husband) harassed the deceased saying her that if she will not bring money from her parents house, he will give divorce her and beat her in connection with demand of dowry. It is also alleged that all the applicants used to harass the deceased over trivial domestic issues 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 Bhirendra with liberty to file a fresh application as and when occasion arises.
4. Accordingly, the bail application on behalf of applicant No.1 Bhirendra is dismissed as withdrawn with the liberty as stated above.
5. Now this Court considers the bail application on behalf of applicant No. 2 Dolaram (father-in-law), applicant No. 3 Sukhnandan (brother-in-law), applicant No. 4 Smt. Lachchhan Bai (wife of applicant No.3), applicant No. 5 Sadh Bai (mother-in-law) and applicant No.6 Smt. Shakuntala (daughter of applicant No. 2 & 5).
6. Learned counsel for the applicants submits that applicants No. 2 to 6 have been falsely implicated in this crime, they are languishing in jail since 27.07.2021 & 10.08.2021 and conclusion of the trial is likely to take some time. He also submits that there is no role attributed to applicants No. 2 to 6 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 No. 2 to 6 be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application on behalf of applicants No. 2 to 6.
8. Heard learned counsel for the parties.
9. Having regard to the facts and circumstances of the case, the fact that the entire allegation made against applicant No.1 Bhirendra (husband) who assaulted the deceased as per statement of brother of the deceased, only

general allegation against applicants No. 2 to 6 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 applicants No. 2 to 6 who are 63, 32, 26, 62 & 40 years old, applicant No.6 is residing at other place, 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 applicants No.2 to 6 is allowed.

10.It is directed that in the event of each of applicants, namely Dolaram, Sukhnandan, Smt. Lachchhan Bai, Sadh Bai & Smt. Shakuntala, executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- 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 not involve themselves in any offence of similar nature in future.

11.Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicants No.2 to 6 violating any of the aforesaid terms and conditions.

12.In the result, the bail application on behalf of applicant No.1 is dismissed as withdrawn with the liberty as prayed for, whereas bail application on behalf of applicants No.2 to 6 is allowed on the aforesaid terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge