

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6990 of 2021

- Shanta Bai W/o Shri A.B. Balan Aged About 56 Years R/o Nilgiri, Darri, Tehsil Katghora, District - Korba (Chhattisgarh)

---- Applicant (In jail)

Versus

- State Of Chhattisgarh Through P.S. Darri, District - Korba (Chhattisgarh), District : Korba, Chhattisgarh

---- Respondent

For Applicant : Shri Ashutosh Trivedi, Advocate
For Respondent/State : Shri Shrikant Kaushik, PL

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

14.12.2021

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as she was arrested in connection with Crime No.145 of 2021 registered at Police Station Darri, District-Korba, Chhattisgarh for the offence punishable under Sections 304(B) and 34 of the IPC.

2. Case of the prosecution, in brief, is that, deceased Smt Manju Acharya got married with co-accused Jairaj Nayar on 04.02.2021. After marriage, she came to her matrimonial house. Only after few days of marriage, applicant (mother-in-law) and Jairaj Nayar started ill-treating and harassing the deceased on the ground that she has not bring appropriate dowry in her marriage. They were demanding cash of Rs.1,00,000/- from parents of deceased. On the date of incident also deceased informed her parents with regard to ill-treatment and harassment by in-laws on mobile phone. On 22.06.2021, she was found hanging in her room at about 11.15 am. Merg was intimated to concerned Police Station and after merg

enquiry, FIR was registered on 30.06.2021 and applicant was arrested on the same day.

3. Shri Ashutosh Trivedi, learned counsel for the applicant would submit that after marriage, deceased could not able to adjust herself in her matrimonial home, she was annoyed and not performing her duties towards her matrimonial home, on account of which, some trivial quarrel took place between her in-laws and deceased. Applicant, at no point of time, had made any demand of dowry. Allegations are omnibus and general. Even parents of deceased in their statement recorded under Section 161 of CrPC, have stated different facts, which itself are sufficient to show that false allegations have been levelled against applicant. She is in jail since last more than five months. Hence, she may be released on bail.

4. Shri Shrikant Kaushik, learned State counsel opposing the submissions of learned counsel for the applicant, submits that after marriage, deceased has continuously intimated to her parents about ill-treatment, and harassment and as appearing statement recorded under Section 161 of CrPC, Anita (mother of deceased) and AP Shivan (father of deceased), both of them made categorical statement with regard to demand of dowry by applicant and co-accused. However, upon asking, in the statement of mother of deceased, it has come that in-laws of deceased demanded Rs.50,000/-, whereas, in statement of her father, it was Rs.1,00,000/-.

5. I have heard learned counsel for the parties.

6. Taking into consideration facts and circumstances of the case, nature of allegations against applicant, the fact that applicant is aged about 56 years lady and is in jail since 30.06.2021, without commenting anything on merits of the case, I am inclined to enlarge applicant on regular bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one local surety in the like sum to the satisfaction of the concerned Court on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd-
(Parth Prateem Sahu)
JUDGE