

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8950 of 2020**

1. Hemant Nishad S/o Krishna Nishad Aged About 22 Years R/o Chandi Chowk, Nagpura, Police Station Pulgaon, Tahsil And District Durg Chhattisgarh., District : Durg, Chhattisgarh
2. Smt. Surtiya Bai Nishad W/o Late Santosh Nishad Aged About 62 Years R/o Chandi Chowk, Nagpura, Police Station Pulgaon, Tahsil And District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Collector Rajnandgaon, District Rajnandgaon Chhattisgarh. And Also Through Police Chowki, Surgi, Police Station Basantpur, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

--Non-Applicant

For Applicants	: Shri P.K. Patel, Advocate
For Non-Applicant/State	: Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya**Order on Board****11.02.2021**

- 1) The applicants have preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 4.11.2020 in connection with Crime No.364/2020, registered at Police Station- Basantpur, District Rajnandgaon (CG) for the offence punishable under Sections 304(B), 34 of the IPC.
- 2) At the very outset, learned counsel for the applicants prays for withdrawal of the bail application filed on behalf of applicant No.1- Hemant Nishad.
- 3) Accordingly, the bail application filed on behalf of applicant No.1- Hemant Nishad is dismissed as withdrawn.
- 4) Case of the prosecution is that the deceased committed suicide on 2.7.2020 by consuming pesticide on account of demand of dowry by the applicants and committing marpit. An offence was registered and the applicants were taken into custody.

- 5) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, they have not committed any offence. He further submits that applicant No.1-Hemant Nishad is husband of the deceased and after their marriage on 13.6.2020, they were living happily and the deceased had gone to her parents house and there she committed suicide on 2.7.2020 and the applicants have been arrested on the basis of suspicion of demand of dowry. He submits that there are general allegations against the applicants and no injury was found on the body of the deceased. He further submits that applicant No.2-Smt. Surtiya Bai Nishad is aged about 62 years and there is no allegation against her and as she is in jail since 4.11.2020 and trial is likely to take some time for its final disposal, therefore, applicant No.2- Smt. Surtiya Bai Nishad may be released on bail by this Court.
- 6) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application. He submits that the deceased had committed suicide on account of demand of dowry and committing marpit by the applicants.
- 7) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and looking to the age of applicant No.2-Smt. Surtiya Bai Nishad and no injury was found on the body of the deceased and there are general allegations against her; charge sheet has been filed and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of the trial may take some time, without expressing on merits of the case, I am inclined to grant bail to applicant No.2-Smt. Surtiya Bai Nishad. Accordingly, the bail application filed on behalf of applicant No.2-Smt. Surtiya Bai Nishad is allowed.
- 8) It is directed that in the event of applicant No.2-Smt. Surtiya Bai Nishad 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, she shall be released on bail, on the following conditions:-

(a) she 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.

(b) she shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

(d) she shall not involve herself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

9) In the result:

➔ The bail application filed on behalf of applicant No.1- Hemant Nishad is dismissed as withdrawn as mentioned above.

➔ The bail application filed of behalf of applicant No.2- Smt. Surtiya Bai Nishad is allowed. **Sd/**

(Gautam Chourdiya)
Judge

sunita