

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.8216 of 2021**

1. Sandeep Koshre, S/o Jhaduram Koshre, aged about 24 years.
2. Smt. Duwarkin Bai, W/o Jhaduram Koshre, aged about 45 years.
Both R/o Dihipara, Nagri Police Station Nagri, District Dhamtari (CG)

---- Applicants (In Jail)**Versus**

- State of Chhattisgarh, through the Station House Officer Police of Police Station Nagri, District Dhamtari (CG)

....Non-applicant

For Applicants	:	Mr. Anil Gulati, Advocate.
For Non-applicant	:	Mr. Vimlesh Bajpai, Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****08.12.2021**

1. This is first application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicants as they are in custody since 25.7.2021 in connection with Crime No.89/2021 registered at Police Station Nagri, District Dhamtari (CG) for commission of offence punishable under Sections 304B, 498A r/w 34 of IPC.
2. Case of prosecution, in brief, is that deceased Kalawati was married to co-accused Deepak Koshre on 26.6.2020 and thereafter she started residing in her matrimonial home. After few days of marriage, applicants and co-accused Deepak Koshre, husband of deceased, started harassing, ill-treating and quarrelling with deceased Kalawati on account of dowry. Applicant No.2-mother-in-law of deceased, continuously quarrelled with deceased on the ground that she has not brought proper dowry in marriage. On 12.9.2020 due to dispute and quarrel between deceased and her husband, she went to police station and lodged report making allegation of quarrel, ill-treatment, harassment by her husband and applicant No.2. Thereafter she went to her parents' house along with her brother Kulbhushan Navrange. Written report was forwarded to the Counselling Authority where statement

of deceased was recorded in which she made similar allegations as alleged in complaint. On 19.10.2020 deceased and her husband arrived at settlement which was also recorded by Counselling Authority in counselling proceeding dated 19.10.2020. Complainant from the house of her parents went to house of her husband and again started living with him. On 19.4.2021 she was found hanging in her house. Merg was reported to concerned police station based upon which FIR was registered after merg enquiry. Applicants along with co-accused Deepak Koshre, husband of deceased, were made accused in crime.

3. Mr. Anil Gulati, learned counsel for applicants would submit that absolutely false and baseless allegations of ill-treatment, harassment and quarrel by applicants have been levelled by relatives of deceased. Marriage of deceased with co-accused Deepak was love-cum-arrange marriage. Prior to marriage, both of them were working in Hero Showroom, Nagri where love relationship developed between them. Even after marriage, deceased was allowed to continue with her job. Deceased used to quarrel with family members on trivial issues. She did not want to do household works of any nature and it is wife of applicant No.1 who used to discharge obligation of doing household works along with applicant No.2. There was no demand of dowry at any point of time. After quarrelling with family members in matrimonial home, on earlier occasion also deceased had left her matrimonial home and lodged report with Police Station Nagri making false allegation of harassment, ill-treatment for dowry, based on which counselling proceedings were drawn in which settlement was arrived at between deceased and co-accused Dipak and thereafter deceased returned back to her matrimonial home. Few days prior to incident, deceased along with her husband visited her parents house to see her mother who was suffering with some medical ailment. As deceased could not adjust with family members of her husband,

deceased and her husband started residing separately much prior to the date of incident. There cannot be any allegation of ill-treatment, harassment for bringing inadequate dowry against applicants soon before incident, hence the offences as alleged against applicants would not be attracted. Applicants are in jail since 25.7.2021, hence they may be enlarged on regular bail.

4. Per contra, Mr. Ankur Kashyap, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicants and submits that only after few days of marriage, applicants and husband of deceased started ill-treating, harassing and quarrelling with deceased for dowry saying that she has not brought proper dowry in marriage, hence applicants are not entitled to be enlarged on regular bail. However, on putting specific query based on submissions made by learned counsel for applicants that on the date of incident deceased along with her husband was residing separately from applicants, learned State Counsel read over statement of Kulbhushan Navrange, brother of deceased, and submits that this witness has stated in his statement recorded under Section 161 CrPC that after counselling proceedings, deceased went back to her matrimonial home and started residing along with her husband. This witness also stated that deceased and her husband were residing separately; few days prior deceased visited her parental home along with her husband.
5. I have heard learned counsel for the parties.
6. Having regard to facts and circumstances of case, nature of allegations; statement of Kulbhushan Navrange, brother of deceased, wherein it has come that deceased and her husband were residing separately earlier to incident and few days prior to date of incident, deceased visited her house; without commenting anything on merits of case, I am inclined to enlarge applicants on regular bail. Accordingly, bail application is allowed and it is directed that applicants shall be

released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to satisfaction of trial Court concerned on the conditions that;

- a) they shall appear before the trial Court concerned regularly on each & every date unless exempted from appearance.
- b) they shall not, in any manner, tamper with prosecution witnesses.
- c) If applicants are 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

roshan/-