

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 442 of 2021**

1. Vishnu Verma, S/o Late Chaitram Verma, aged about 51 Years, Caste Lodhi,
2. Laxmi Bai Verma, W/o Shri Vishnu Verma, aged about 45 Years, Caste Lodhi,

Both are R/o Danteshwari Para, Ward No. 2, Dongargarh, District Rajnandgaon, Chhattisgarh.

----Applicants**Versus**

- State of Chhattisgarh, Through P.S. Dongargarh, District Rajnandgaon, Chhattisgarh.

---Non-applicant

For Applicants
For State

Shri Keshav Dewangan, Advocate.
Shri Sameer Uraon, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

01/03/2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of bail as they have been arrested in connection with Crime No.419/2020 registered at Police Station Dongargarh, Rajnandgaon, C.G. for the offence punishable under Sections 304-B, 34 of IPC.
2. Case of the prosecution, in brief, is that on 27.06.2020, the deceased namely Saraswati Verma, who was the daughter-in-law of the applicants, committed suicide by pouring kerosene on her body. After the incident, as per written complaint made by family members of the deceased, the aforesaid offence was registered against the present

applicants alongwith co-accused Virendra Verma, who is the husband of the deceased.

3. Learned counsel for the applicants submits that applicants are innocent persons and have been falsely implicated in this case. He submits that allegation against the present applicants is false and baseless as the deceased Saraswati Verma never made any complaint against the present applicants and co-accused regarding demand of dowry. He submits that in the dying declaration of deceased nothing has been attributed against the present applicants and co-accused. The FIR has been lodged after an inordinate delay of 3 months. The applicants are in jail since 16.09.2020, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, they may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, prior to this incident no any report or complaint was made by the deceased against the present applicants regarding demand of dowry, further considering the dying declaration of the deceased where no allegation was made by the deceased regarding demand of dowry and cruelty against the present applicants and that only over some dispute with her husband she poured kerosene on her body, only general & omnibus allegations were made by parents of the deceased against the present applicants, no proper explanation has been given by the

family members of the deceased regarding three months delay in lodging the FIR, the detention period of the applicants, the fact that charge sheet has already been filed, there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without expressing any opinion on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the application is allowed. It is directed that in the event of each of the applicants 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, they shall be released on bail on the 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 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.

Sd/-
Gautam Chourdiya
Judge