

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 9826 of 2021**

1. Shahnaz Khatun W/o Mohd. Shamsuddin aged about 25 Years R/o Nageshwar Nagar, Beergaon. P.S. Urla, Raipur Chhattisgarh.
2. Tamanna Khatun @ Tamanna Parveen W/o Mohd. Husrudn, aged about 22 Years R/o Nageshwar Nagar, Beergaon. P.S. Urla, Raipur Chhattisgarh.

----Applicants**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Urla, Raipur, District Raipur Chhattisgarh.

---- Non-applicant

For Applicants	: Mr. Yogesh Pandey, Advocate
For Non-applicant/State	: Mr. Dinesh Tiwari, Dy. Govt. Adv.

Single Bench: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****20/12/2021**

1. Applicants have filed this application under Section 439 of CrPC for grant of regular bail as they have been arrested in connection with Crime No. 338/2021 registered at Police Station Urla, District Raipur (C.G.) for the offence punishable under Section 304-B/34 of IPC and Section 3 & 4 of Dowry Prohibition Act.
2. Case of prosecution is, that Nazruddin got married with Noorjahan @ Gudiya on 02.07.2018. After marriage, she came to her matrimonial house and started residing along with her husband, two brothers-in-law, their wives and mother-in-law. Deceased Noorjahan and Nazruddin were blessed with one girl child, after giving birth to girl, applicant along with other family members started ill-treating, harassing deceased and were also making demand of dowry. On 01.09.2021, deceased gave mobile call to her mother from mobile phone of her husband Nazruddin that her family members are making demand of dowry of Rs. 4 Lakh or else she would be killed. During course of conversation, Nazruddin snatched mobile phone from deceased. On 03.09.2021

also, on mobile phone call, husband of deceased demanded Rs. 4 Lakh. In the night about 09;00 pm, deceased was found hanging in her room. Husband Nazruddin intimated the merg to the concerned police station, based on which, aforementioned crime was registered. During merg enquiry, based on the merg statement of parents of deceased, applicant along with other family members were made accused in the aforementioned crime and they were arrested on 16.11.2021.

3. Applicants filed an application for grant of bail which came to be dismissed by impugned order.
4. Learned counsel for the applicants would submit that applicants are co-sisters wives of brothers-in-law of deceased, they are having no interest in making demand of dowry from deceased or her parents, as alleged. In the statement it has come that Nazruddin and deceased after her marriage got separated from other family members and were having their separate kitchen, hence, allegations as alleged against applicants who are co-sisters are prima facie false and baseless. It is also pointed out that applicant No. 1 is carrying pregnancy of more than 7 months, both the applicants, being female, hence, they may be enlarged on bail.
5. Learned State counsel, while opposing the submissions made by the learned counsel for the applicants, would submit that there is specific allegation by parents of deceased of ill-treatment, harassment to deceased on account of giving birth of two girl childs and further there is allegation of demand of dowry of Rs. 4 Lakhs. However, upon asking question with regard to allegation of demand of dowry against applicants, he submits that allegation of demand of dowry is against mother-in-law and husband of deceased. It is also in the statement that after some time of marriage, deceased and Nazruddin separated their kitchen.
6. I have heard learned counsel for the parties.
7. Taking into consideration, nature of allegations, facts and circumstances of the case, relationship of applicants and deceased, applicants being women are in jail since 16.11.2021, without commenting anything on merits, I am inclined to allow the bail application.

8. Accordingly, the bail application is allowed. It is directed that the applicants shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the Court on the conditions that-

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

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

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