

1)

Date of decision: 22.11.2023

...PETITIONER

...RESPONDENT

2)

CRM-M-11594-2023

...PETITIONER

...RESPONDENT

**CRM-M-4787-2023 and
CRM-M-11594-2023**

-2-

course of investigation and the challan has been presented against the petitioners and their son. The petitioners are in custody for a period of more than 01 year and 02 months and are not involved in any other case.

4. Learned State counsel has opposed the bail application on the score that there are categoric and specific allegations levelled against the petitioners to the effect that the deceased was being harassed on account of demand of dowry. However, it has not been disputed that there is no allegation to the effect that any specific demand was raised by the petitioners. It has been submitted that out of 19, no witness has been examined till date. The cause of death is stated to be asphyxia due to hanging and the death has occurred within a period of about 06 months from the date of marriage.

5. Learned counsel for the complainant has opposed the bail application on the score that the name of the petitioners has been specifically and categorically mentioned in the FIR. Even, as per the postmortem report, the information was given to the effect the death has occurred due to electrocution. The petitioners and their family members have given wrong information to the police and this aspect has not been looked into during the course of investigation. The complainant has moved an application in the trial Court for further investigation of the case.

6. Be that as it may, the petitioners are in custody for a period of more than 01 year and 02 months and are not involved in any other case. There is no categoric allegation with regard to demand of any specific article attributed against the petitioners. A sum of Rs.50,000/- on two occasions is stated to have been paid to the son of the petitioners. Substantially, same allegations were also levelled against the daughter of the petitioners who was found innocent and the

**CRM-M-4787-2023 and
CRM-M-11594-2023**

-3-

challan has only been presented against the petitioners and husband of the deceased. The trial of the case is yet to commence and the conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioners in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioners.

7. Without expressing any opinion on the merits of the case, the instant petitions are allowed. The petitioners are ordered to be released on bail on their furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. The petitions are allowed accordingly.

22.11.2023
renubala

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No