

(2018) 05 CHH CK 0052
In the Chhattisgarh High Court
Case No : M.CR.C. No. 3110 of 2018

Smt. Dropati Bai Sahu And Ors.

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 10-05-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section — Section 34, 304B

Citation : (2018) 05 CHH CK 0052

Hon'ble Judges : RAJENDRA CHANDRA SINGH SAMANT, J

Bench : Single Bench

Advocate : S.C. Verma, Anil S. Pandey

Final Decision : Allowed

Judgement

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have

been arrested in connection with Crime No.47/2018, registered at Police Station " Arjuni, District " Dhamtari (C.G.), for the offence punishable

under Section 304-B, 34 of the Indian Penal Code.

2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this. Applicants are in jail since

12.02.2018. Applicants are sister-in-law of the deceased Pinky Sahu. They are not the resident of village - Piparchhedi, in which the deceased and her

husband used to reside, hence, they have no connection with the allegation of dowry death. It is submitted that according to the material in the charge-

sheet, there is no specific evidence that there had been any demand of dowry soon before the death of the deceased, which is a requirement to make

out an offence under Section 304(B) of I.P.C.. Hence, it is prayed that the

applicants may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that according

to the evidence present in the case diary, the applicants are the persons, who were actively engaged in making demand of dowry and subjecting the

deceased to torture. Hence, no case is made out for grant of bail.

4. I have heard the learned counsel for both the parties and perused the case diary.

5. As per the prosecution case, the marriage of the deceased Pinki Sahu with co-accused Mithlesh Sahu was performed in the year 2016. Thereafter,

the deceased started residing in her matrimonial home. She died on 14.01.2018 after consuming some poisonous substance. After inquest procedure,

written complaint was filed by the mother of the deceased on 25.01.2018 on that basis FIR has been lodged. Statement of the witnesses have been

recorded from 05.02.2018 onwards.

6. Considered on the submissions made, the contents of the case diary. After perusal of the entire material present in the case diary, it appears that

there had been an act of harassment carried out, as alleged, by these applicants along with co-accused persons soon after the marriage of the

deceased with co-accused Mithlesh Sahu. The specific evidence about the demand of dowry soon before the death of the deceased was there or not

there shall be considered by the trial Court, for the present no comment is made about the presence or absence of the evidence in this case. After

overall consideration of all the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicants should

be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like

sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.