

(2018) 08 CHH CK 0119

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 5289 Of 2018

Devki Bai Dubey

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Aug. 8, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 34, 304B, 306, 498A
- Code Of Criminal Procedure, 1973 - Section 439

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: Arvind Dubey, SRJ Jaiswal

Final Decision: Allowed

Judgement

Goutam Bhaduri, J

1. This is the Second Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has

been arrested on 27.02.2018 in connection with Crime No. 60/2018 registered at Police Station P.S. Takhatpur, Dist. Bilaspur (CG) for the offence

punishable under Sections 498A, 306, 304 (B)/34 IPC.

2. The First Bail Application was dismissed as withdrawn with liberty to file afresh after filing of the charge-sheet vide M.Cr.C. No.2432/2018.

3. As per the prosecution case, one Rashmi Dubey died of hanging on 04.02.2018 and she was married to Amit Dubey on 05.02.2017. It is the case of the prosecution that she died unnatural death because of the demand of dowry made by the family members, which includes the present applicant

namely Devki Bai Dubey, who is the mother-in-law. Consequently she died unnatural death within a period of one year.

4. Learned counsel for the applicant submits that the charge-sheet in this case has been filed. He further submits that the merged statement which was recorded immediately after the incident that of the mother of the deceased would show that no allegation of demand of dowry has been made against the present applicant and the omnibus allegations have been made, therefore, the applicant may be released on bail.

5. Per contra, learned State counsel opposes the prayer for grant of bail and submits that the allegations are attributed jointly against the present applicant including the husband of the deceased.

6. Perused the case-diary and the statement of Himanshu Pandey recorded on 04.02.2018. The primary reading of the statement shows that the allegations have been attributed to the husband Amit. Likewise the statement of the mother Smt. Manju Pandey and sister Neha Pandey. Considering the statements, I am inclined to release the applicant on bail.

7. Accordingly, the application is allowed and the applicant is directed to be released on bail on her executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. She is directed to appear before the trial Court on each and every date given by the said Court.