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**(2018) 06 CHH CK 0100**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 2653 Of 2018

Sulta Mistri And Ors

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

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**Date of Decision:** June 20, 2018

**Acts Referred:**

- Indian Penal Code, 1860 - Section 34, 201, 304, 304B
- Code Of Criminal Procedure, 1973 - Section 439

**Hon'ble Judges:** Rajendra Chandra Singh Samant, J

**Bench:** Single Bench

**Advocate:** Parag Kotecha, Smita Ghai

**Final Decision:** Allowed

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**Judgement**

Rajendra Chandra Singh Samant, J

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

to them as they are in custody in connection with Crime No.149/2017 registered at Police Station- Pakhanjore, District - U.B. Kanker(C.G.) for the

offence punishable under Sections 304 B read with 34, 306 r/w 34, 201 of the Indian Penal Code.

2. Learned counsel for the applicants submits that applicant are innocent and have been falsely implicated in this case. Applicants are in jail since

15.11.2017. No case is made out against them. There is no such evidence of the prosecution to show that there had been any demand of dowry, soon

before the death of the deceased. The deceased herself was not happy in her matrimonial home and she wanted to go back her paternal home

because of which and out of frustration, she has committed suicide for which these applicants cannot be held responsible. Hence, it is prayed that they may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that within 9 months of marriage, the deceased has committed suicide which shows that she was being treated with cruelty by the applicants for demand of dowry. There is ample evidence on record.

4. Heard both the parties and perused the case diary.

5. Marriage of deceased Anima with applicant No.2 was solemnized in April, 2017. On 11.11.2017 deceased Anima committed suicide by hanging herself. After recording of morgue intimation, FIR was lodged on 13.11.2017. The allegation against these applicants is this, that they had been treating the deceased with cruelty and they were also making demand of Rs.50,000/- from the deceased, to bring this amount as dowry from her paternal home. Hence, this case.

6. Considered on the entire material present in the case diary. The evidence has to be clear for the purpose of prosecution under Section 304B of IPC to show, that the demand of dowry had been soon before the death of deceased. Looking to the evidence present in this case, I am of this view this is a fit case where the applicants should be released on regular bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.