

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7032 of 2015

1. Itwari Ram, S/o. Sonsai, aged about 75 years,
2. Sumitra Bai, W/o. Itwari Ram, aged about 65 years,
Both R/o. Village-Gunsari, P.S. Takhatpur, District – Bilaspur (C.G.)

----Applicants

Versus

1. State Of Chhattisgarh, Through : the Station House Officer, Police Station, Takhatpur, District -Bilaspur (C.G.)

---- Respondent

For Applicants	: Ms. Nirupama Bajpai, Advocate
For Respondent/State	: Mr. Ramakant Mishra, Dy.A.G.
For Objector	: Mr. A.N. Bhakta, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/12/2015

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.237/2015, registered at Police Station – Takhatpur, District – Bilaspur (C.G.) for the offence punishable under Section 306, 498-A/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that Lalita Bai committed suicide by hanging in between intervening night of 23-24/07.2015 and the allegations are that the applicants have tortured the deceased and she was abeted to suicide and thereby the offence is committed.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case. She would further submit that the deceased herself committed suicide and nothing was instigated as the applicants are the mother-in-law and father-in-law, who were aged

about 75 years and 65 years of old. She would further submit that the applicants are in jail since 19.08.2015 therefore, she prays that the applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State as well counsel for the objector opposes the bail application and would submit that there is evidence available on record that the applicants have abetted the deceased for suicide, therefore, the applicants may not be released on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having heard and after perusal of the case diary and taking into the fact that the charge-sheet in this case has already been filed and no further investigation is necessary, and further taking into the age of the applicants, nature of the allegation and the fact that the applicants are in jail since 19.08.2015, without any observation on merits, 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge