

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3997 of 2015**

1. Smt. Rekha Sahu, W/o Shri Damodar Sahu, (Wrongly mentioned in the impugned order D/o), aged about 25 years.

2. Pihalal, S/o Shri Khorbahra Sahu, Aged about 50 years,

Both residents of Village Bhathili Khurd, Police Station Jarhagaon, District Mungeli (C.G.)

---- Applicants**Versus**

State Of Chhattisgarh Through- Police Station Jarhagaon, Distt. Mungeli (C.G.)

---- Non-applicant

For Applicants: Mr. Dheerendra Pandey, Advocate.
For Non-applicant/State: Ms. Madhu Nisha Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****17/08/2015**

Heard.

(1) The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 81/2015 registered at Police Station Jarhagaon, Distt. Mungeli (C.G.) for the offences punishable under Sections 498(A) & 306/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 30.04.2015 deceased Narbadiya Bai committed suicide on account of abetment/cruelty meted out by the applicants and they have also treated her with cruelty and thereby committed the aforesaid offences.

(3) Counsel for the applicants submits that applicant have been falsely implicated in the offence in question and they have not committed any offence. He would further submit that applicant No.1 is sister-in-law whereas applicant No. 2 is mother-in-law of the deceased and, as such, they are in jail since 26.05.2015 and no useful purpose would be served in detaining them in jail and substantial investigation has already been made, therefore, they may be released on bail.

(4) Per contra, counsel for the State would submit that one of co-accused namely Ghanshyam had illicit relation with applicant No.1 and the deceased has seen them in a compromising position and since then the said co-accused and present applicants harrassed her and out of humiliation & frustration, she committed suicide and, therefore, the applicants are not entitled to be released on bail.

(5) Taking into consideration the facts and circumstances of the case, and further considering the extent of proximity and nexus between the conduct and behaviour of accused/applicants with suicide committed by the deceased; further considering the

fact that applicants, being women, are in custody since 26.05.2015 and the substantial investigation has already been made, this Court is of the opinion that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-