

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3488 of 2015

1. Khilawan, aged about 27 years, S/o Bhagiram Sahu
2. Smt.Basanta Sahu, aged about 40 years, w/o Bhagiram Sahu,

Both resident of village – Sarkanda, Police Station-Panduka,
District -Gariyaband (C.G.)

---- Applicants

Versus

State Of Chhattisgarh Through : Station House Officer, Police
Station – Panduka, District Gariyaband (C.G.)

---- Non-Applicant

For Applicants: Shri K.K. Dewangan, Advocate.
For Non-applicant/State: Shri Neeraj Jain, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

27/07/2015

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. 65/2015 registered at Police Station – Panduka, District Gariyaband for the offences punishable under Sections 498-A & 306/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that the applicants are alleged to have abetted/instigated Smt. Kiran Sahu (since deceased) to commit suicide on 30.12.2014 and on account of frustration and humiliation, she committed suicide by pouring kerosene oil and set herself on fire .

(3) Counsel for the applicants submits that the applicants have falsely been implicated in the offence in question as they have not committed any offence. He further submits that charge sheet has already been filed, which reflects that there is petty matrimonial dispute between the deceased and the applicants, and on account of which, she committed suicide. He further submits that applicants are in jail since 15.05.2015 & 30.05.2015, respectively and, therefore, the applicants may be released on bail.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) Taking into consideration the facts and circumstances of the case, and further considering the role of the present applicants in the offence in question; and the facts that marriage of the deceased and the applicant No.1 was solemnized 10 years prior to the date of offence; their pre-trial detention; charge sheet has already been filed; and no custodial interrogation is required, this Court is of the opinion that it is a fit case to release the applicants 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/-