

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7047 of 2015

1. Lalit Kumar Koushal, S/o. Late Samay Lal, Aged About 44 Years.
2. Hemin Bai, W/o. Late Samay Lal, Aged About 60 Years.

Both are R/o. Ganesh Chowk, Charoda, P.S. Purani Bhilai, Tahsil & Distt. Durg, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through the Station House Officer, P.S.
Purani Bhilai, Distt. Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. N.S.Dhurandhar, Advocate

For Respondent : Mr. O.P.Sahu, Govt. 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 for grant of regular bail to the applicants who have been arrested in connection with Crime No.154/2015, registered at Police Station– Purani Bhilai, District Durg (C.G.) for the offence punishable under Sections 306, 498-A/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the deceased namely Smt. Ujjawala Koushal committed suicide and in the suicidal note she made allegation against the applicants that she was subjected to cruelty. Therefore, the offence has been committed.
3. Learned counsel for the applicants submits that in the similar allegation, one Smt. Bhineshwari Kaushal has been enlarged on bail by the co-ordinate Bench of this Court. He submits that immediately after the death while the Panchnama was prepared, the suicidal note was not recovered and subsequently it was placed

by the prosecution. He further submits that there is no abetment for committing suicide though there was some family dispute occurred. He submits that the applicants are in jail since 07.04.2015 & 29.05.2015, therefore, they may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the case diary, statements and the documents. Having regard to the fact that the similarly placed co-accused namely Smt. Bhineshwari Kaushal has been enlarged on bail by the co-ordinate Bench of this Court and further taking into evidence and nexus & proximity between the conduct and behaviour of the deceased, without any observation on merit, taking into fact that the charge sheet has been filed, I am inclined to release the applicants on 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