

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5164 of 2015**

1. Nandlal Sahu, aged about 53 years, S/o-Tikaram Sahu,
2. Smt.Hemwati Sahu, aged about 49 years, W/o-Nandlal Sahu,

Both are R/o-Village Banjaripara Utai, Police Station-Utai, Tahsil & District Durg (CG), Civil and Revenue District-Durg (CG)

---Applicants**Versus**

State of Chhattisgarh Through – District Magistrate, Durg, Tahsil & District Durg (CG) Civil and Revenue District-Durg (CG)

---Non-applicant

For Applicants	:	Mr. Ratnesh Kumar Agrawal, Advocate
For Non-applicant	:	Mr. Anupam Dubey, Dy.Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****28/09/2015**

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.129/2015, registered at Police Station-Utai, District-Durg (CG), for the offence punishable under Sections 498A, 306 and 304B/34 of the IPC.

2. Case of the prosecution, in brief, is that marriage of son of the applicants namely Girendra Sahu was solemnized with deceased Deepika Sahu on 18.4.2012 and immediately after the marriage the present applicants started harassing her and treated her with cruelty in connection of demand of dowry and on account of such humiliation and frustration the deceased committed suicide by pouring kerosene on her and setting her ablaze on 25.5.2015 and ultimately she died on 1.6.2015.

3. Learned counsel for the applicants would submit that the applicants

have not committed any offence and they have falsely been implicated in crime in question. He would further submit that they are old father-in-law and mother-in-law of the deceased, the applicant No.2 is woman and dying declaration is false and fabricated as she has suffered 97% of burn injuries.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that dying declaration of the deceased has clearly stated about the act of applicant No.1 and partly against applicant No.2.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence and dying declaration of the deceased, I do not find any ground for grant of regular to applicant No.1-**Nandlal**. Consequently, bail application filed on behalf of applicant No.1-**Nandlal** is rejected. However, applicant No.2-Smt.Hemwati Sahu being a woman and her pre-trial detention, this Court is of the opinion that present is a fit case, in which, applicant-**Smt.Hemwati Sahu** should be enlarged on regular bail. Consequently, bail application filed on behalf of applicant No.2-**Smt.Hemwati Sahu** is allowed.

7. It is directed that applicant No.2-**Smt.Hemwati Sahu** shall be released on bail on her furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-

