

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 1650 OF 2016**

Anurag Sahu S/o Late Madhav Sahu aged about 32 years
R/o Ward No.01 Infront of Koshta Talab Gandai Road
Dhamdha P.S. And Tahsil Dhamdha District Durg
Chhattisgarh

---Applicant**Versus**

State of Chhattisgarh, Through District Magistrate Durg
(Police Station Dhamdha) District Durg Chhattisgarh

---Non-applicant**And****M. Cr. C. No. 1713 OF 2016**

1. Purnima Sahu W/o Anurag Sahu aged about 29 years
2. Smt. Padma Sahu W/o Late Madhav Prasad Sahu aged about 60 years

Both R/o Ward No.01 Infront of Koshta Talab Gandai Road
Dhamdha P.S. And Tahsil Dhamdha District Durg
Chhattisgarh

---Applicant**Versus**

State of Chhattisgarh, Through District Magistrate Durg
(Police Station Dhamdha) District Durg Chhattisgarh

---Non-applicant

For Applicants	: Mr. Arjun Yadav, Advocate
For Non-applicant	: Mr. Avinash Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

12/04/2016

1. Above mentioned two bail applications arise out of a common Crime No. 38/2016, registered at Police Station Dhamdha, Distt. Durg (C.G.), for the offence punishable under Sections 498A/34 & 306 of I.P.C., therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the Cr.P.C.

2. Case of the prosecution, in brief, is that, marriage of deceased Smt. Rajni Sahu was solemnized with Rakesh Sahu and immediately after the marriage, present applicants treated her with cruelty in connection with demand of dowry and on account of instigation and abatement extended by the present applicants, she committed suicide on 29/01/2016.

3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in this case. He would further submit that there is property dispute between the parties, Anurag Sahu and his wife Purnima Sahu were demanding their share in the property and therefore, they have been falsely implicated. He

would further submit that Applicant- Smt. Padma Sahu, aged about 60 years and applicant- Purnima Sahu is in jail since 16/02/2016 with her 4 months baby. He would further submit that there is general and omnibus allegation against the present applicants. He would lastly submit that charge sheet has been filed and all the applicants are in jail since 16/02/2016, therefore, they may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that in a dying declaration made by the deceased before the doctor and the statement made by the deceased on 31/01/2016, she has categorically named the present applicants.

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; role of the applicant- Anurag Sahu; dying declaration & statement of the deceased, I am not inclined to release the applicant- Anurag Sahu on regular bail. Accordingly, bail application (M.Cr.C. No. 1650/2016) filed on behalf of applicant – Anurag Sahu is rejected.

7. So far as the bail application filed on behalf of

applicants- Purnima Sahu and Smt. Padma Sahu is concerned, age of Smt. Padma Sahu (mother-in-law of the deceased); applicant- Purnima Sahu is stayed in jail with her 4 months baby; charge sheet has already been filed and their pretrial detention, I am of the opinion that present is the fit case, in which, the applicants- Purnima Sahu and Smt. Padma Sahu should be enlarged on regular bail.

8. Accordingly, bail application (M.Cr.C. No.1713/2016) filed on behalf of applicants- Purnima Sahu and Smt. Padma Sahu is allowed.

9. It is directed that applicants- Purnima Sahu and Smt. Padma Sahu shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

10. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge