

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1869 of 2016

1. Dilip S/o Khelan Aged About 29 Years,
2. Kunti Bai W/o Khelan, Aged About 55 Years

Both are R/o Sindhauri, Police Station Pipariya, Tashil Kawardha,
Civil & Revenue District Kabirdham Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through - District Magistrate / Station House
Officer, Police Station - Pipariya, District - Kabirdham Chhattisgarh

---- Respondent

For applicants - Shri Dharmesh Shrivastava, Advocate.
For Respondent/State – Shri Sumit Jhanwar, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

7/04/2016

1. This is third bail application under Section 439 of Cr.P.C. The first bail application was rejected on 21/12/2015 and the second bail application was dismissed on 18/01/2016.
2. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No. 170/2015 registered in Police Station Pipariya, District-Kabirdham for offence punishable under section 498-A, 304/34 of IPC.
3. As per the prosecution case, a report was made by deceased Rama Sahu that on 1/07/2015 that she was married to the applicant No.1 Dilip Sahu 8 years back and thereafter she was subjected to torture and she was not being provided with food. Out of the wedlock two children were also born, however she was not kept well and she was subjected to torture and was not given food. As such she fell ill. Thereafter, she was left at her maternal home and she was seriously ill. However, she was not

being taken by the applicant and ultimately she died on 3/07/2015.

4. Learned counsel for the applicants submits that on the earlier occasion bail was dismissed on the ground that investigation was still on and subsequently charge sheet has been filed and the cause of death is shown as natural. He further submits that kind of allegation attributed cannot be under section 304 of IPC. He submits that applicants are in jail since 16/11/2015, therefore the applicants may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. I have perused the statement of the deceased Smt. Rama Sahu which was recorded two days prior to death on 1/07/2015 wherein it is stated that she was subjected to torture for last two years and she fell ill and the applicant husband did not went to see her and she stated that because of the husband and mother-in-law she has attained such state of ailment. Considering the statement of the deceased, this court is inclined to release the applicants on bail.

7. Accordingly, the third bail application is allowed and it is directed that the applicants shall be released on each of them furnishing personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of concerned trial court for their regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE