

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5792 of 2016

1. Bisahin, Aged About 60 Years Occupation- Labor, R/o Ward No.10, Village- Than-Khamhariya, Police Station, Tahsil Than-Khamhariya, Civil & Revenue District- Bemetara, Chhattisgarh
 2. Ashok S/o Bhagwani, Aged About 32 Years Occupation- Labor, R/o Ward No.09, Village Than-Khamhariya, Police Station, Tahsil- Than-Khamhariya, Civil & Revenue District- Bemetara, Chhattisgarh
- Applicants**

Versus

- State of Chhattisgarh through S.H.O. Police Station Than-Khamhariya, (Wrongly Mentioned as “through- Government Pleader, Bemetara”) Civil & Revenue District- Bemetara, Chhattisgarh
- Respondent**

For the applicant	:	Mr. V. A. Goverdhan Advocate
For the Respondent	:	Mr. Neeraj Sharma, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.09.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 98 of 2016 registered at P.S. Than-Khamhariya, Distt. Bemetara (C.G) for the offence punishable under Sections 304-B, 306/34 IPC.
2. As per the prosecution case, on 06.06.2016 one Sakun Sahu @ Khileshwari committed suicide by setting herself ablaze. It is alleged that she was married to Durgesh 1 ½ months prior to the date of incident and Applicant No.1 who is mother-in- law and Applicant No.2 who is brother-in-law alongwith other co-accused used to treat the deceased with cruelty for demand of dowry and consequently she died in unnatural circumstances.
3. Learned counsel for the applicants would submit that the dispute arose because of the fact that the deceased was not able to cook the food properly and she was made to understand certain facts and

procedure of the family and on such trivial issue, she committed suicide. It is further contended that only omnibus allegations have been attributed to the applicants and the applicant No.2 who is brother-in-law is residing separately.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of the mother of the deceased wherein omnibus allegations have been made against the applicant. Also perused the *merg* statement of witness Lakhan wherein he stated that some altercation took place in the house because of the fact that the deceased was not able to cook properly.
6. Taking such statements into consideration wherein it reveals that omnibus allegations have been leveled as also the fact that the charge sheet has been filed and no further investigation is necessary and further looking to the period of detention of the applicants as they are stated to be in jail since 05.07.2016, I am inclined to allow this bail application.
7. Considering the totality of facts and circumstances especially the fact that charge sheet in this case has been filed and no further investigation is necessary and the applicants are stated to be in jail since 05.07.2016, I am inclined to release the applicants on bail.
8. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**