

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.218 of 2016**

1. Satish Sen S/o Ratiram Sen, Aged about 24 years
2. Smt.Sakun Bai Sen, W/o Ratiram Sen, Aged about 47 yrs.,
Both R/o Nimora, P.S. Dharsiwa, District Raipur (CG)

---Applicants**Versus**

State of Chhattisgarh P.S.-Dharsiwa, Distt.Raipur (CG)

---Non-applicant

For Applicants	:	Mr.Manish Sharma, Advocate
For Non-applicant	:	Mr. Dhiraj K. Wankhede, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****10/02/2016**

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.338/2015, registered at Police Station-Dharsiwa, District-Raipur (CG), for the offence punishable under Section 306/34 of the IPC.

2. Case of the prosecution, in brief, is that marriage of deceased Roshni Sen was solemnized with applicant No.1 Satish Sen on 21.4.2015 and within seven years of her marriage, she committed suicide on 10.10.2015 out of cruelty extended by the present applicants.

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 the

applicants have never instigated to commit suicide to deceased Roshni Sen. As per allegation of mother of the deceased, only she has stated that she committed suicide on account of domestic quarrel relating to daily household works including cooking and therefore, presumption under Section 113-A of the Evidence Act is not applicable in the present case. The applicants are in jail since 27.10.2015 and charge-sheet has already been filed. He would rely upon the judgments rendered by the Supreme Court in the matters of **Sanju alias Sanjay Singh Sengar v. State of M.P.**¹ and **Hans Raj v. State of Haryana**².

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the deceased committed suicide within seven years of her marriage.

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

6. Taking into consideration the facts & circumstances of the case; further taking into consideration the nature & gravity of offence; role of the present applicants; statement of mother of the deceased namely Neeru Sen, who has stated that on account of some domestic house works and on account of use of more electricity she committed suicide, pre-trial detention of the applicants, the fact that charge-sheet has already been filed, no further interrogation is required to be taken and the law laid-down by the Supreme Court in the matters of **Sanju alias Sanjay Singh Sengar** and **Hans Raj** (supra), this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

1 (2002) 5 SCC 371

2 (2004) 12 SCC 257

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants 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.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-