

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.C.R.C. No. 1653 of 2016

1. Ramkhelan Sahu, S/o Bisahu Sahu, Aged About 52 Years, Caste Teli, R/o Village- Bargada, Police Station & Tehsil- Saja, Civil & Revenue District Bemetara, Chhattisgarh
2. Niranjana S/o. Ramkhelan Sahu, Aged About 28 Years, Caste Teli, R/o Village Bargada, Police Station & Tehsil- Saja, Civil & Revenue District Bemetara, Chhattisgarh
3. Ramwati, W/o Ramkhelan Sahu, Aged About 50 Years, Caste-Teli, R/o Village- Bargada, Police Station & Tehsil- Saja, Civil & Revenue District Bemetara, Chhattisgarh
4. Mohnibai, W/o Niranjana Sahu, Aged About 26 Years, Caste- Teli, R/o. Village -Bargada, Police Station & Tehsil -Saja, Civil & Revenue District -Bemetara, Chhattisgarh

---- Applicants

Versus

State of Chhattisgarh Through - Station House Officer, Police
Station - Saja, District - Bemetara, Chhattisgarh

---- Respondent

For Applicants :- Mr. P.P. Sahu, Advocate

For Respondent/State :- Mr. Anil S Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21/03/2016

1. This is the second bail application filed under section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 364/2015 registered at Police Station Saja, District Bemetara (C.G.) for the offence punishable under section 304 B/ 34 of Indian Penal Code. The first bail application of

the applicants was withdrawn with liberty to revive the same after filing of the charge sheet on 05.01.2016 in M.Cr.C. No. 7392 of 2015.

2. Case of the prosecution, is that the deceased Jaambai was married to Jageshwar Sahu in the month of May, 2012. Thereafter, she was subjected to torture for demand of dowry as such she left her matrimonial home and came back to her maternal home. Subsequently, when she again taken to the matrimonial home by the applicants and family members, she was again subjected to torture for demand of dowry, eventually, she died on 26.05.2015 as she sustained burn injury on 25.05.2015.

3. Learned counsel for the applicants submits that the deceased herself has left the house many times, however, she subsequently, joined her matrimonial home and in this case, dying declaration was recorded on 25.05.2015 wherein she stated that she died out of the accident as *Chimni* fell down. He further submits that while the dying declaration was recorded, the mother and the father of the deceased namely Ganeshiya Bai and Bhagirathi Sahu were present, subsequently, the name of the applicants have wrongly been inculpated in this case, therefore, the applicants may be enlarged on bail.

4. Learned Stated counsel opposes the prayer for grant of bail and submits that as per the explanation has been given by the mother of the deceased the applicants should not be enlarged on bail.

5. Perused the case diary and the charge sheet. The charge sheet contain two dying declarations, one was recorded at 8.50 AM and another one was recorded at 01.15 PM, in the earlier dying declaration when was recorded the mother of the deceased was present. The deceased has

stated in the dying declaration the fact that she caught fire as Chimini fell down into the Saree. Initially, the statement was recorded at 8.50 AM contains the thumb impression of the mother and father of the deceased. Considering such dying declaration and other statement of villagers, for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicants should be enlarged on regular bail.

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

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

Sd/-
(Goutam Bhaduri)
JUDGE