

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5443 of 2016

1. Ashish Sah S/O Shanker Sah Aged About 28 Years R/O Shop No. 53, Anda Chowk, Gandhi Market, Zone - 2, Khursipaar, Bhilai District Durg Chhattisgarh
2. Sangeeta Devi W/O Dinesh Sah Aged About 34 Years R/O Gandhi Market, Zone -2, Khursipaar, Bhilai District Durg Chhattisgarh
3. Laxmi Sah W/O Shanker Sah Aged About 19 Years R/O Shop No. 53, Anda Chowk, Gandhi Market, Zone - 2, Khursipaar, Bhilai District Durg Chhattisgarh
4. Dinesh Sah S/O Kishun Sah Aged About 35 Years R/O Shop No. 53, Anda Chowk, Gandhi Market, Zone - 2, Khursipaar, Bhilai District Durg Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through : Station House Officer, Khursipaar, Bhilai District Durg Chhattisgarh

---- Respondent

For Applicants : Mr. Anurag Jha, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15-09-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 12-01-2016 in connection with Crime No. 8 of 2016, registered at Police Station Khursipaar, Bhilai, District Durg (CG) for the offence punishable under Sections 306 and 304(B)/34 of the IPC.
2. Case of the prosecution, in brief, is that the deceased Smt. Madhuri Sah committed suicide by hanging on 1-1-2016 as she was subjected to cruelty for demand of dowry by the applicants and

other co-accused. She committed suicide within seven years of her marriage and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case. Applicant No.2 Smt Sangeeta Devi is sister-in-law of the deceased, applicants No. 2 and 4 are husband and wife and they are residing in Bihar. He would further submit that the applicants have been inculpated in this case and general allegations have been attributed to the present applicants. He would further submit that the case of the present applicants is similar to that of other co-accused who have been enlarged on bail vide order dated 27-6-2016 passed by this Court in M.Cr.C.No.2462 of 2016, therefore, present applicants may also be enlarged on bail on the ground of parity.
4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that similarly placed other co-accused persons have been enlarged on bail by this Court.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the statements of sister of deceased namely Shobha Shah, Nisha Gupta and Rinki Shah wherein general allegations have been leveled against the present applicants.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicants, considering the statements of the witnesses and further considering the fact that similarly placed other co-accused persons have been enlarged on bail by this Court and also the fact that charge-sheet in this case

has been filed and the applicants are in jail since 12-1-2016, this court is inclined to release the applicants on bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju