

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5379 of 2016

1. Shobhnath Sahu S/o Late Parmeshwar Ram Aged About 56 Years By Caste - Sahu, R/o Village - Maanpur, Police Station - Patna, Tahsil - Baikunthpur, District - Korea (Chhattisgarh).
2. Suresh S/o Shobhnath Aged About 23 Years By Caste - Sahu, R/o Village - Maanpur, Police Station - Patna, Tahsil - Baikunthpur, District - Korea (Chhattisgarh).
--- Applicants

Versus

- State of Chhattisgarh Through : The Station House Officer, Police Station - Patna, District - Korea (Chhattisgarh).
--- Respondent

For the applicant	:	Mr. D. N. Prasapati, Advocate
For the State	:	Mr. Anant Bajpai, Panel Lawyer.
For the objector	:	Mr. Abhishek Singh, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15.09.2016

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. 146 of 2016 registered at P.S. Patna, Distt. Korea (C.G) for the offence punishable under Sections 498(A) & 306/34 of IPC.
2. As per the prosecution case, on 11.07.2016 one Pinki committed suicide by jumping into a well. It is alleged that she was subjected to torture by the applicants as also husband and other in-laws and therefore she was abetted to commit suicide.
3. Learned counsel for the applicants submits that applicant Shobnath Sahu is father-in-law and applicant Suresh Sahu is brother in law. The marriage of deceased was performed with Rajesh 18 years back and the applicants have not abetted the deceased to commit suicide and no offence has been

committed, therefore, they may be enlarged on bail.

4. Per contra, learned State Counsel and learned counsel for the objected oppose the bail and would submit that at the time of death, a poison bottle was seized by the police near the well and the allegations leveled against the deceased that she was having relations with the neighbor were untenable. It is further submitted that because of domestic violence, mediation took place and during mediation, she went to the house of applicants on 10.07.2016 and thereafter the incident took place, therefore, the applicants have committed crime and they are not entitled for bail.
5. Perused the case diary and the statements of mother of deceased namely Bhagwati and brother Jagdeep Sahu.
6. Taking into nature of allegations levelled against the applicants, which are general in nature and considering the totality of the facts and circumstances of the case, I am inclined to allow this bail application.
7. 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