

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5431 of 2016

1. Rameshwar S/O Nansay Cherwa Aged About 35 Years R/O Village Singchora, P.S. Rajpur, District - Balrampur Chhattisgarh
2. Bansmati @ Bokhi W/O Rameshwar Aged About 35 Years R/O Village Singchora, P.S. Rajpur, District - Balrampur Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through - S. H. O. Rajpur, District - Balrampur Chhattisgarh

---- Respondent

For Applicants : Mr. Sunil Tripathi, Advocate

For Respondent/State : Mr. Neeraj Kumar Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14-09-2016

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 8-4-2016 in connection with Crime No. 64 of 2015, registered at Police Station Raipur, District Balrampur (CG) for the offence punishable under Section 306/34 of the IPC.
2. Case of the prosecution, in brief, is that on 4-4-2016 a report was made that one Goli Bai committed suicide by hanging. The applicants are husband and wife and applicant No.2 is sister-in-law of the deceased. It is alleged that the applicants abetted commission of crime as deceased was subjected to severe torture and cruelty as a result of which she committed suicide by hanging and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that there is some family dispute in between the parties and the applicants cannot be said to have abetted the offence and some dispute arose due to some family property partition. He would further submit that at the time of incident, brother of the deceased was also present in the house. The applicants have not abetted commission of offence which would be evident from the statement of Sukhram, brother of the deceased. He would further submit that charge-sheet has been filed in this case, the applicants are in jail since 8-4-2016 and no further investigation is required, therefore, they may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the statements of the Sukhram, brother of the deceased, Nansai and Smt. Laharo, parents of the deceased in which no positive allegations have been attributed to the present applicants.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the statements of Sukhram, brother of the deceased, Nansai and Smt. Laharo, parents of the deceased and also the fact that charge-sheet in this case has been filed and the applicants are in jail since 8-4-2016, 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