

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5952 of 2016

1. Gayaram Sahu, S/o. Late Ledguram Sahu, Aged About 47 Years.
2. Smt. Ganga Bai, W/o. Gayaram Sahu, Aged About 42 Years.

Both R/o. Village- Rengabode, Ward No.2, Thana- Bhatapara (Gramin) Tahsil- Simga, District- Balouda Bazar - Bhatapara, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Bhatapara (Gramin), District- Balouda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sanjay Agrawal, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04.10.2016

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 in connection with Crime No.187/2016 registered at Police Station- Bhatapara (Gramin), District Balouda Bazar- Bhatapara (C.G.) for the offence punishable under Section 304(B) of Indian Penal Code.
2. As per the prosecution case, one Dhanbai committed suicide by consuming poison on 06.06.2016 and died on 07.06.2016. It is alleged that she was married to Tejeshwar on 17.02.2016 and subsequent to it, she was subjected to torture for demand of dowry.
3. Learned counsel for the applicants would submit that only general allegations were attributed against the present applicants and when the statement was recorded initially, no allegations were attributed. He further submits that the FIR was lodged on 26.06.2016 and the applicants are the father-in-law & mother-in-law of the deceased

and no further evidence is required; therefore, they may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, documents and predominantly the statement of the father of the deceased recorded on 08.06.2016. The case diary contains dying declaration of the deceased, which *prima facie* appears that no allegations have been attributed against the present applicants. Considering the same, without any observation on merit, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the 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