

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 6187 of 2016**

1. Hunga Kohrami S/O Ayatu Kohrami Aged About 55 Years R/O Tarrem Para, Metapal, Police Station - Katekalyan, District - South Bastar Dandewada Chhattisgarh
2. Somdu Kohrami S/O Hunga Kohrami Aged About 28 Years R/O Tarrem Para, Metapal, Police Station - Katekalyan, District - South Bastar Dandewada Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through - Police Station - Dantewada, District Dantewada Chhattisgarh

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For Applicants : Mr. P.R. Patankar, Advocate

For Respondent/State : Mr. Neeraj Kumar Sharma, Dy.G.A.  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**05-10-2016**

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 on 26-6-2016 in connection with Crime No. 61 of 2016, registered at Police Station Dantewada, District Dantewada (CG) for the offence punishable under Section 306, 366, 323/34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant No.1 who is maternal uncle of the deceased Ku. Kamli Mandavi and applicant No.2 who is his son proposed marriage with Kamli for Somdu and prior to the incident Kamli was forcibly taken by the applicants to their residence where she was kept in captivity. When she came back to her house, she narrated the incident to her father. Thereafter the applicants again came to the house of Kamli and proposed her father for marriage, at that time Kamli came out and consumed poison as a result of which she died on

14-4-2016 during the course of treatment and thereby the applicants abetted the deceased to commit suicide.

3. Learned counsel appearing for the applicants would submit that the incident as happened even if it is taken as it is, it would not amount to abetment and the deceased never wanted to marry the applicant No.2 Somdu and she committed suicide of her own by consuming poison. He would further submit that the applicants have been falsely implicated in the case, charge-sheet has been filed in this case and the applicants are in jail since 26-6-2016, therefore, the applicant may be enlarged on bail.
4. *Per contra*, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements Laxmi Mandavi, who is mother of deceased and Budhwari Mandavi, who is relative of the deceased wherein no allegations of abetment have been attributed to the present applicants.
7. Taking into consideration the facts and circumstances of the case and further considering the statements of Laxmi Mandavi ad Budhwari Mandav, without any observation on the merit of the case, I am inclined to release the applicant 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.

Sd/-  
**(Goutam Bhaduri)**  
Judge

Raju