

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6556 of 2017

1. Bhikhu Ram Sahu & Ors. S/o Late Mohanlal Sahu, Aged About 65 Years R/o Village - Aamdi, Post Office & Police Station - Arjuni, District-Dhamtari, Chhattisgarh
2. Jintendra Sahu, S/o Bhikhu Ram Sahu, Aged About 26 Years R/o Village - Aamdi, Post Office & Police Station - Arjuni, District-Dhamtari, Chhattisgarh
3. Smt. Rajni Bai Sahu, W/o Bhikhu Ram Sahu, Aged About 55 Years R/o Village - Aamdi, Post Office & Police Station - Arjuni, District-Dhamtari, Chhattisgarh
4. Smt. Khemin Bai Sahu, W/o Jintendra Sahu, Aged About 21 Years R/o Village - Aamdi, Post Office & Police Station - Arjuni, District-Dhamtari, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station-Arjuni, District-Dhamtari, Chhattisgarh

---- Respondent

Shri Shivendu Pandya, counsel for the applicant/s.
Shri Satish Gupta, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/12/2017

Heard.

The applicants have been arrested in connection with Crime No.187/2017 registered at Police Station – Arjuni, District - Dhamtari (CG) for alleged commission of offences under Section 304-B / 34 of IPC and 4/5 of C.G. Tonahi Pratadna Nivaran Adhiniyam.

2. Case of the prosecution is that the applicants and co-accused harassed the deceased leveling allegations of playing witchcraft and her dead body was found hanging in the matrimonial house.
3. Learned counsel for the applicants submits that the allegations contained in

the case diary statements are quite omnibus, without any specific detail and only on the allegation of taunting that the deceased had played witchcraft, case of commission of offence under Section 304(B)/34 of IPC is not made out, in the absence of there being specific allegations of cruelty in connection with demand of dowry. It is further submitted that the applicants are in jail since 07/07/2017, investigation is complete, charge sheet has been filed and they are not likely to abscond or tamper with the prosecution witnesses. Therefore, they may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that due to persistent demand of dowry and also taunt of she playing witchcraft, the deceased found dead in suspicious circumstances in the matrimonial house within less than seven years of her marriage. Therefore, *prima facie* case is made out.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that there are omnibus allegations of demand of dowry and that the deceased is found to have committed suicide and further considering that the allegations relate to taunt by saying that the deceased used to play witchcraft, I am inclined to grant bail to the applicants.

6. Accordingly, the application is allowed. 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/- along with two local sureties for the like amount to the satisfaction of the Trial Court. They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge