

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6558 of 2017

1. Pitamber Sahu S/o Late Churaman Sahu Aged About 55 Years R/o Village Bhanpuri, P.S. Arjuni, Tahsil And District Dhamtari Chhattisgarh.
2. Smt. Devantin Sahu W/o Pitamber Sahu Aged About 48 Years R/o Village Bhanpuri, P.S. Arjuni, Tahsil And District Dhamtari Chhattisgarh.

---- Applicants

Versus

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

---- Respondent

Shri Anil Gulati, counsel for the applicant/s.
Shri Satish Gupta, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/12/2017

Heard.

The applicants have been arrested in connection with Crime No.225/2017 registered at Police Station – Arjuni, District - Dhamtari (CG) for alleged commission of offences under Section 304-B R/w Section 34 of IPC.

2. Case of the prosecution is that the daughter-in-law of the applicants died in suspicious circumstances during her pregnancy. According to the prosecution, the deceased was being maltreated by her husband including the applicants and she was not being given proper treatment which led to her death.

3. Learned counsel for the applicants submits that the entire case of the prosecution only shows that the deceased died because of certain complications which resulted in Cardio Vascular failure. He submits that there are neither any injury report on her body nor any other opinion of the doctor to show that she died due to any assault, injury, strangulation or any other external or internal injury. He submits that all other allegations of maltreatment are afterthought. It is further submitted that

investigation is complete, charge sheet has been filed, the applicants are in-laws of the deceased and 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 complaint was made by the father of the deceased and the case diary statements show that the deceased was not being given proper treatment, due to which, she became extreme weak and could not sustain pregnancy and died. He further submits that she was being maltreated because of demand of dowry. Therefore, commission of offence under Section 304-B of IPC is made out.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the post-mortem report, cause of death, absence of any external or internal injury and cause of death stated to be Cardio Vascular failure, 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 one local surety 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