

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3491 of 2017

1. Lalaram Sahu, S/o. Shri Vishnu Sahu, Aged About 26 Years.
2. Vishnu Sahu, S/o. Bhagelaram Sahu, Aged About 49 Years.

Both are R/o. Village Kapadah, Thana & Tahsil- Pandariya, Civil &
Revenue District- Kabeerdham, Chhattisgarh

---- Applicants

Versus

The State Of Chhattisgarh, Through the Station House Officer,
Police Station- Pandariya, Civil & Revenue District- Kabeerdham,
Chhattisgarh.

---- Respondent

For Applicants : Mr. Sunil Sahu, Advocate

For Respondent : Mr. Gary Mukhopadhyay, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.06.2017

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.54/2017 registered at Police Station- Pandariya, District Kabeerdham (C.G.) for the offence punishable under Section 306/34 of Indian Penal Code.
2. As per the prosecution case, Smt. Vimla Sahu tried to commit suicide by setting herself ablaze in between the intervening night of 15-16.12.2016 and thereafter she died on 19.12.2016. It is alleged that the applicant No.1, Lalaram Sahu, who is step son and the applicant No.2, Vishnu Sahu, who is husband has abetted the deceased to commit suicide.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated and there is no direct evidence with respect to the fact that the applicants have abetted the deceased to commit suicide. He further submits that the applicants are in jail since 06.04.2017, 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 also the dying declaration, which was recorded on 16.12.2016, wherein it is stated that the applicant No.2 poured kerosene oil and thereafter given the match box. Taking into such facts and allegation against the respondent No.2, I am not inclined to release the applicant No.2, Vishnu Sahu, on bail. However, considering the evidence in respect of the applicant No.1, Lalaram Sahu, I am inclined to release him on bail.
6. Accordingly, the bail application on behalf of the applicant No.1, Lalaram Sahu, is allowed and in respect of the applicant No.2, Vishnu Sahu, the bail application is rejected.
7. It is directed that the applicant No.1, Lalaram Sahu, shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Vacation Judge