

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4365 of 2017**

1. Anil Kumar S/o Late Balaram Sahu, Aged About 55 Years R/o Churiyardihi Para, Ward No. 1 Nagri, Police Station Nagri, District Dhamtari Chhattisgarh
2. Smt. Yashoda Sahu, W/o Shri Anil Kumar Sahu, Aged About 53 Years R/o Village Churiyardihi Para, Ward No.1 Nagri, Police Station, District Dhamtari Chhattisgarh
3. Deepak Kumar, S/o Shri Anil Kumar Sahu, Aged About 29 Years R/o Village Churiyardihi Para, Ward No.1 Nagri, Police Station, District Dhamtari Chhattisgarh

---- Petitioners**Versus**

State Of Chhattisgarh Through The Police Station Nagri, District Dhamtari Chhattisgarh

---- Respondent

For the Petitioners	:	Shri Pawan Kesharwani, Advocate.
For the Respondent/State	:	Shri Ashok Swarnakar, P.L.
For the Objector	:	Shri Kunal Das, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.10.2017**

1. Heard.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.29 of 2017, registered at Police Station – Nagri, District – Dhamtari, Chhattisgarh for the offence punishable under Sections 498 and 304B/ 34 of the Indian Penal Code.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. Deceased – Deepika Sahu was

daughter-in-law of applicants No.1 and 2 and sister-in-law of applicant No.3. She got accidental burn injuries on 16.12.2016 when she was performing pooja in her residence. None of the applicants were present at the time of incident. The dying declaration was recorded on 18.12.2016 in which the deceased made a statement that she caught fire accidentally and got burn injuries. Subsequent to that, complainant – Keshav Ram Sahu, father of the deceased has lodged a false written complaint on 27.1.2017 after due deliberations. On the basis of FIR dated 11.5.2017, the case has been registered, investigated and the charge-sheet has been filed before the Court. The trial has also commenced. The applicants are in jail since 13.6.2017. Hence, it is prayed that the applicants be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the statements recorded under Section 161 of the Cr.P.C. given by the witnesses mention the role of the applicants in subjecting the deceased with cruelty and torture for demand of dowry. Hence, for these reasons, the applicants are not entitled for bail.

5. Heard counsel for both the parties and perused the case diary.

6. Considering the submissions made and as per the contents of the case diary, specifically the dying declaration of the deceased, the postmortem report and also the statement of the witnesses, I am of the considered view that in this case the applicants deserve to be enlarged on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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/-

(Rajendra Chandra Singh Samant)
Judge