

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 4826 of 2017**

1. Dhan Sai Sahu, S/o. Ramadhar Sahu, Aged About 58 Years,
  2. Rohani Sahu, W/o. Dhan Sai Sahu, Aged About 52 Years,
  3. Rajkumar Sahu, S/o. Dhan Sai Sahu, Aged About 36 Years,
  4. Rajendra Prasad Sahu, S/o. Dhan Sai Sahu, Aged About 40 Years,
- All by Caste- Sahu, R/o. Village Bilari, Police Station -Shivrinarayan,  
Tahsil Pamgarh, District Janjgir Champa, Chhattisgarh.

**----Applicants**

**Versus**

State Of Chhattisgarh, Through S.H.O., Police Station : Shivrinarayan, District  
-Janjgir Champa, Chhattisgarh.

**---- Respondent**

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| For Applicants       | : Mr. Amiyakant Tiwari, Advocate |
| For Respondent/State | : Mr. Neeraj Mehta, Panel Lawyer |

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

**Order On Board**

**23/10/2017**

1. 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 on 10.07.2017, in connection with Crime No.123/2017, registered at Police Station – Shivrinarayan, District – Janjgir-Champa (C.G.) for the offence punishable under Section 498, 328, 506, 34 of Indian Penal Code.
2. Facts of the case in brief is that a written complaint was submitted by the complainant on 24.05.2017 on the basis of which, FIR has

been lodged on 03.06.2017 against the husband of the complainant and the applicants in this case. It is alleged in the complaint that soon after the marriage, when the complainant went to reside in her matrimonial home, she was subjected to cruelty and tortured. Her husband introduced one Monika as her previous lover, who threatened the complainant to get her killed. Thereafter, her husband with the help of other co-accused persons, administered poisonous substance to the complainant one day thereafter he also forcefully administered some sedative medicine because of which, the complainant was indisposed and admitted in the hospital. After completion of investigation, charge-sheet has been filed.

3. It is submitted by the learned counsel for the applicants that the applicants are falsely implicated, the marriage of Dilip with the complainant Leelavati Sahu took place on 09.04.2017. A written complaint was submitted by the complainant on 24.05.2017 levelling false allegation against the applicants and her husband – Dilip Kumar. It is submitted that the applicants have been falsely implicated, the investigation has been completed and charge-sheet has been filed, hence prayed that applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the complainant was subjected to cruelty soon after her marriage and she was administered poisonous substance as per the evidence in the investigation, which shows that offence against the applicants is of grievous in nature, hence they are not entitled for

grant of bail.

5. I have heard the learned counsel for both the parties and perused the case diary.
6. The statement of Leelavati was recorded at first on 21.05.2017, thereafter on 03.06.2017. The allegation against the applicants in this case has come in the statement recorded on 03.06.2017 looking to the facts and circumstances of the case, the nature of offence and the degree of allegation levelled against the applicants, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge