

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3744 of 2018**

Sevak Ram Sonkar, S/o. Late Shri Girdhari Sonkar, Aged About 50 Years,
R/o- Village Khudmuda, P.S. Amleshwar, District- Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station
Amleshwar, Durg, District- Durg, Chhattisgarh.

---- Respondent

AND**M.CR.C. No. 3746 of 2018**

Pramila Bai, W/o. Shri Sevak Ram Sonkar, Aged About 48 Years, R/o.- Village
Khudmuda, P.S. Amleshwar, District- Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station
Amleshwar, Durg, District- Durg, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Mateen Siddiqui, Advocate
For State/respondent	: Mrs. M. Asha, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****04/07/2018**

- Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
- These are the first bail applications 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.9/2018, registered at Police Station – Amleshwar, Durg, District – Durg (C.G.), for the offence punishable under Section 304 (B), 306 and 34 of the Indian Penal Code.

3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicants are in jail since 23.01.2018. No case is made out against the applicants as the written complaint filed by the father of the deceased does not speak any demand of dowry soon before the death of the deceased. There had been a dispute regarding the deceased having affair with her uncle-in-law that was the only reason because of which she has committed suicide. Hence, it is prayed that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail applications and the submission made in this respect. It is submitted that the deceased has complained about the act of sexual harassment by her uncle-in-law and it was because of this, she was being harassed by her husband and in-laws on number of occasions and a village meeting was held in which both the parties were advised, even then the torture continued and then she was compelled to commit suicide.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution, the deceased Janki Bai Sonkar was married to Tularam Sonkar about five years prior to the date of incident. On 17.01.2018, she committed suicide by burning herself. It was alleged by her husband and in-laws that she had an affair with her uncle-in-law and because of which she was tortured and treated with cruelty frequently. Later on during morgue enquiry and in statement under Section 161 of Cr.P.C further allegation has been made that there had been a demand of dowry. Hence, this case.

7. Considering the submissions made and the contents of the case diary.
Considering the entire material present in the case diary and further taking into account the fact that similarly placed co-accused Anand Ram Sonkar has been enlarged on regular bail, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge