

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 626 of 2018

1. Dashrath Sahu S/o Kaliram Sahu, aged about 65 years,
2. Smt. Amrika Bai Sahu W/o Dashrath Sahu, aged about 60 years,
3. Ku. Meena Sahu D/o Dashrath Sahu, aged about 21 years,
4. Yogesh Kumar Sahu S/o Dashrath Sahu, aged about 19 years,

All R/o Village Damakheda, Police Station Simga, District- Baloda Bazar-
Bhatapara (C.G.)

---- Applicants

Versus

State of Chhattisgarh Through- Station House Officer, Police of Police
Station- Simga, District- Baloda -Bazar, Bhatapara (C.G.).

---- Respondent

For Applicant	:	Mr. Anil Gulati, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

13/07/2018

1. Heard.
2. The applicants have filed this application for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No. 80/2018 registered at police station – Simga, District- Baloda Bazar- Bhatapara (C.G.) for the offence punishable under Section 304-B of IPC.
3. As per prosecution story, the marriage of deceased- Radhika Sahu was solemnized along with Khilesh Sahu in the year 2017. It is alleged that applicant no. 1 & 2 are the father-in-law and brother-in-law of the

deceased, applicant no. 3 is the sister-in-law and applicant no. 4 is the brother-in-law of the deceased. It is alleged that soon after the marriage, the dispute arose between the deceased and applicants 1 & 2, thereafter the deceased and her husband resided separately. There the husband of the deceased started illegal selling of liquor, which was opposed by the deceased and in turn the applicant used to beat the deceased. Due to all this, on 13/01/2018, deceased after pouring kerosene on her, set herself on fire. She was hospitalized on 13/01/2018, but she died. After merging inquiry, the police has registered the case against all the applicants along with accused- Khilesh, husband of the deceased.

4. Learned counsel appearing on behalf of the applicants submits that after marriage, certain dispute took place and on account of which, the deceased and her husband resided separately. He further submits that thereafter, husband of the deceased started to sell illegal liquor and also used to ill treated the deceased, therefore, she committed suicide. He further submits that there is nothing on record, which shows that the deceased was harassed by the applicants soon before her death, therefore, offence under Section 304 (b) of the IPC is not made out against the applicants and they may be extended the benefit of anticipatory bail.
5. Learned counsel appearing on behalf of the State opposes the said application and submits that there is sufficient evidence regarding involvement of all the applicants in the present crime, therefore, the bail application may be rejected.
6. I have heard learned counsel for the parties.

7. Considering the facts and circumstances of the case, particularly considering the fact that in the dying declaration recorded on 13/01/2018 itself, deceased herself had stated that she was residing separately with her husband and her husband used to harass her due to which she has committed suicide, without further commenting on merit of the case, I am inclined to release the applicants on anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing personal bond in the sum of Rs.20,000/- with one surety each for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:
 - i. That, the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required;
 - ii. The accused/applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - iii. The accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - iv. The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
10. Certified copy, as per rules.

Sd/-
Judge
Arvind Singh Chandel