

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 4176 of 2018**

1. Noor Khan S/o Shri Sakaru Khan, Aged About 50 Years, R/o Village Khamhariyapara, Ward No. 4, Naila, Police Chauki - Naila, Police Station and Tahsil Janjgir, Civil and Revenue District Janjgir Champa, Chhattisgarh
2. Farukh Khan S/o Shri Noor Khan, Aged About 27 Years, R/o Village Khamhariyapara, Ward No. 4, Naila, Police Chauki - Naila, Police Station and Tahsil Janjgir, Civil and Revenue District Janjgir Champa, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Chauki - Naila, Police Station Janjgir, Civil and Revenue District Janjgir Champa, Chhattisgarh

---- Respondent

For Applicant	:	Shri Paras Mani Shriwas, Advocate
For Respondent/State	:	Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****05/07/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicants who are in jail since 18.01.2018 in connection with Crime No. 10/2018 registered at Police Chauki Naila, Police Station- Janjgir, District Janjgir-Champa (CG) for the offence punishable under Section 304 (B), 34 of IPC.

2. The allegation against the present applicants as per the prosecution is that they along with other accused persons are said to have ill-treated the deceased which ultimately forced her to commit suicide by hanging herself on 30.11.2017 i.e. barely 1 ½ years from the date of her marriage.

Applicant no.1 is the father-in-law and applicant no.2 is the brother-in-law of the deceased.

3. Counsel for the applicants submits that so far as the present applicants are concerned, except for omnibus and general statements which the relatives of the deceased have made, there is no direct evidence regarding the applicants' being involved in the commission of suicide by the deceased. Moreover, the parents of the deceased have since been examined before the trial Court and in the course of examination, they have not stated anything so far as the present applicants are concerned. Thus, prays for releasing the applicants on bail.

4. State counsel, however, opposing the bail application submits that there are allegations made against the applicants also by the relatives in which the name of the present applicants also reflected and therefore the applicants do not deserve to be released on bail.

5. Having heard the contentions put forth on either side and on perusal of the record particularly taking note of the statement of mother and father of the deceased recorded during the course of trial wherein they have not supported the case of the prosecution so far as the present applicants are concerned, hence this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicants will 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 before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE