NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No. 4231 of 2018

1. Smt. Champa Bai W/o Ramchandra Sahu, Aged About 55 Years, R/o Village Dundera, Ram Nagar, P.S. Utai, District Durg, Chhattisgarh
2. Ramcharan Sahu S/o Late Rajaram Sahu, Aged About 58 Years, R/o Village Dundera, Ram Nagar, P.S. Utai, District Durg, Chhattisgarh
3. Sugriv Kumar Sahu S/o Ramcharan Sahu, Aged About 35 Years, R/o Village Dundera, Ram Nagar, P.S. Utai, District Durg, Chhattisgarh
4. Ghanshyam Sahu S/o Ramcharan Sahu, Aged About 30 Years, R/o Village Dundera, Ram Nagar, P.S. Utai, District Durg Chhattisgarh

---- Applicants

Versus

State of Chhattisgarh through the District Magistrate, District Durg Chhattisgarh

---- Respondent

For Applicants : Shri Tarun Dansena, Advocate
For Respondent/State : Shri Majid Ali, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

12/07/2018

This is the first application filed u/s 439 of Cr.P.C. for grant of bail to the applicants who are in jail since 07.04.2018 in connection with Crime No. 122/2018 registered at Police Station Utai, District Durg (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 used to subject the deceased Veena Sahu to ill treatment, cruelty and harassment on demand of dowry and when the deceased could not resist further, she committed suicide by hanging on 02.04.2018. Applicants 1 & 2 are the mother-in-law and father-in-law of the deceased

and applicants 3 & 4 are the elder brothers of the husband of the deceased.

3. Counsel for the applicants submits that if the statement of the relatives of the deceased is taken into account, it would reveal that there are only general and omnibus statements made against the applicants and that there is no specific instance or any specific overtact levelled against each of the applicants herein. Therefore, taking into consideration the judgment of the Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar and another** reported in **(2014) 8 SCC 273**, the applicants may be released on bail.

4. State counsel, however, opposing the bail application submits that there is a specific allegation of harassment and cruelty made by the applicants against the deceased which led her to commit suicide and therefore, they 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 fact that the allegations made by the family members of the deceased are all omnibus and general in nature, this Court is of the opinion that prima facie, a strong case for grant of bail is 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

Bhola