

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4660 of 2018

1. Sukesh, S/o. Hari Bareth, Aged About 23 Years
2. Chandresh, S/o. Hari Bareth, Aged About 23 Years
Both R/o. Village- Bade Hardi, P.S. & Tahsil- Pussour, District- Raigarh, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through- The Station House Officer Of The P.S.- Pussour, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicants : Mr. Abhishek Saraf, Advocate

For Respondent : Ms. Madhunisha Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30.07.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 138/2017 registered at Police Station- Pussour, District Raigarh (C.G) for the offence punishable under Section 304(B)/34 of Indian Penal Code.
2. As per the prosecution case, on 27.06.2017 Smt. Janki Bai Bareth committed suicide by setting herself ablaze. It is stated that she was married to the applicant No.1 Sukesh in the year 2016 and thereafter she was subjected to torture for demand of dowry by the husband Sukesh (Applicant No.1) and brother-in-law Chandresh (Applicant No.2) therefore she committed suicide.
3. Learned counsel for the applicants submits that immediately after the incident merged statement was recorded on 27.06.2017 and nothing was divulged against the present applicants even by the mother and father of the deceased but subsequently on 28.07.2017 allegation of demand of dowry has been made. He

further submits that in the similar situation, this Court in MCRC No.356 of 2018 considering the merged statement has enlarged the father-in-law and mother-in-law of the deceased and the case of the present applicants is also similar, therefore, they may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. In the merged statement, which was recorded immediately after the incident, nothing was divulged against the present applicants. Also perused the statement of Padum Bareth & Gulvari Bai, which was recorded subsequently under Section 161 & 164 of Cr.P.C. Considering the statements and the fact that the charge sheet has been filed, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge