

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.5218 of 2018

Sukalu Sahu S/o Tiharu Sahu, aged about 28 years, R/o village Khati, Police Station Than Khamhariya, Civil and Revenue District - Bemetara (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through - The S.H.O. Police Station - Than Khamhariya, District Bemetara (C.G.).

---Respondent

For applicant : Ms. Sharmila Singhai, Advocate.
For resp./State : Ms. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

31/08/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.171/2017 registered at Police Station Than Khamhariya, District Bemetara (C.G.) for the offence punishable under Section 304-B, 34 of IPC.
2. Present applicant is in jail since 18/10/2017.
3. Present applicant is the husband of the deceased namely Mamta Sahu who committed suicide by setting herself ablaze on 11/10/2017.
4. On the basis of the complaint/statement of the parents of the deceased, the case has been registered against the present applicant and the other accused persons.

5. The counsel for the applicant submits that, so far as all the other accused persons i.e. the father-in-law, mother-in-law and brother-in-law have all been granted bail by this Court earlier. That the ground granting bail to them was that the allegation which have been levelled by the parents and the other relatives were general and omnibus without there being any specific overt act assigned to any of the accused persons.

6. She further submits that, the allegation against the present applicant also are identical further the present applicant has already remained in custody for a period of almost 10 months and thus prayed for releasing the applicant on bail.

7. The State counsel however opposing the bail application submits that, there are statements recorded of the parents and the other relatives which says that, on the demand of dowry, the present applicant and the other accused persons have subjected the deceased to frequent torture, ill-treatment and cruelty including the physical assault which compelled her to take the extreme step of committing suicide and thus prayed for rejection of bail application.

8. Having gone through the contents of the statements recorded during the course of investigations and also taking note of the bail order granted in the case of other accused persons, this Court is of the opinion that, the nature of allegation against the present applicant is almost similar if not identical to the allegation levelled against the other accused persons.

9. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

10. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE