

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7845 of 2018**

1. Bhukhi Ram Suryavanshi, S/o. Budheshwar, Aged About 60 Years
2. Smt. Bena Bai, W/o. Bhukhi Ram, Aged About 58 Years,
Both R/o. Village Matiyari, Police Station Seepat District Bilaspur
Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station
Seepat, District – Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. N.K. Chatterjee, Advocate
For Respondent	:	Mr. Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/11/2018**

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.116/2018, registered at Police Station- Seepat, District – Bilaspur (C.G.) for the offence punishable under Section 304-B, 201, 302/34 of the Indian Penal Code.
2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. The applicants are in jail since 27.04.2018. No case is made out against the applicants on the basis

of the evidence present in the case diary. The deceased has committed suicide because of her own frustration. These applicants have not played any role in torturing or treating with cruelty the deceased. Similarly placed co-accused persons have been enlarged on bail by this Court. Hence, it is prayed that the applicants may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that there is direct allegation against this applicants that these applicants and co-accused Ram Narayan strangled the deceased to death and created scene of suicide by hanging her. Hence, the applicants are not entitled to be released on bail.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The deceased Rajnandani was married to co-accused Ram Narayan. It is alleged that within 7 years of marriage, the deceased was done to death by this applicants and co-accused – Ramnarayan by strangulating her as the demand of dowry was not met with. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. Considered on the entire material present in the case diary, the doctor conducting postmortem reports that death was due to asphyxia, which may have been caused due to strangulation. But there is clinical finding of ligature mark on her neck coupled with fracture with hyoid bone, taking into consideration this fact, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on their furnishing 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, for their appearance as and when directed.

Certified copy tomorrow.

Sd/-
(Rajendra Chandra Singh Samant)
Judge