

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1802 of 2019**

1. Ramdular Ram Chouhan, son of Shivnandan Chouhan, aged about 24 years.
2. Mala Chouhan, son of Shivnandan Chouhan, aged about 28 years.

Both are Caste Chik, R/o Khutitoli, Police Station Kansabel District Jashpur (CG).
---- Applicants

Versus

State of Chhattisgarh, through Station House Officer, Police Station Kansabel, District Jashpur (CG).
---- Non-applicant

For Applicants	: Mr. J.K. Saxena, Advocate
For Non-applicant	: Mr. Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

28.03.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.54/2018 registered in Police Station Kansabel, District Jashpur for the offence punishable under Sections 302, 201, 34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that the name of deceased Smt. Neha Chouhan, who is a wife of applicant No.1-Ramdular Ram Chouhan and applicant No.2-Mala Chouhan is a sister of applicant No.1. On 25.05.2018 at about 17:40 hrs at village Khutitoli in the house of the applicants, it was found that deceased has hanged herself. The applicant No.1-Ramdular Ram Chouhan get down the body of deceased and found that deceased was died. Applicant No.2-Mala Chouhan intimated to police station Kansabel. During the investigation, the postmortem of deceased was conducted by doctor, who opined that death was homicidal nature and due to asphyxia and strangulation death was occurred. Only three persons, applicants and deceased were residing in the house.
4. Counsel for the applicants submitted that the applicants have not committed any offence and have been falsely implicated in the case and as such the applicants may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. However, he submits that no criminal antecedent is reported against the applicants in police case diary.
6. Looking to the above facts and circumstances of the case, looking to the seriousness of the offence and looking to the impact of granting bail to the applicants on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicants.
7. Consequently, the bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE