

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1840 of 2019**

1. Patiya Devi, W/o Shri Lakeshwar Ram, aged about 45 years.
 2. Lakeshwar Ram, S/o Shri Faguni Ram, aged about 50 years.
- Both are resident of village Mungia, P.S. Tandwa, District Aurangabad, Bihar.
- Applicants**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Gandhinagar, Ambikapur (CG).

---- Non-applicant

For Applicants	: Mr. Anshuman Rabra, Advocate
For Non-applicant	: Mr. Ashutosh Pandey, Panel Lawyer
For Objector	: Mr. A.K. Yadav, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

06.05.2019

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.40/2019 registered in Police Station Gandhinagar for the offence punishable under Section 306/34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that co-accused Shivnath Kumar performed the marriage with deceased Preeti Singh in a Temple by enticing. Thereafter, applicants, co-accused Mahendra, Deenanath, Shivnath Ram, Chhotu Kumar after given threat to kill her family members, prepared her video and, thereafter, they viral that video and false photographs of marriage in social media and explode her. Consequently, she committed suicide on 21.01.2019 by hanging herself.
4. Counsel for the applicants submitted that the applicants have not committed any offence and have been falsely implicated in the case. He further submitted that there is no ingredient of abetment against the applicants. They are in jail since 24.02.2019 and as such they may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. He further submits that previously no criminal antecedent is reported against the applicants in police case diary.
6. Looking to the above mentioned facts and circumstances of the case, *prima facie* looking to the material available on record against the applicants, 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