

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2766 of 2019

1. Manohar, S/o. Jugru Sahu, Aged About 58 Years,
 2. Urmila, W/o. Manohar Sahu, Aged About 56 Years,
- Both are R/o. Village- Gadadih, Tahsil- Dhamdha, Police Station- Bori,
District- Durg, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station- Bori,
District- Durg, Chhattisgarh.

---- Respondent

For Applicants	: Mr. B.P. Singh, Advocate
For Respondent/State	: Mr. Aadil Minhaz, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/07/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.21/2019, registered at Police Station – Bori, District – Durg (C.G.) for the offence punishable under Section 306/34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. The applicants are in jail since 01.04.2019. They have not committed any offence of abetment to commit suicide. It is a case of simple dispute with the deceased, who happens to be daughter-in-law of the applicants and deceased committed suicide because she lost her mental balance. Charge-sheet in this case has been filed after completion of

investigation. Therefore, it is prayed that the applicants be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is one eye-witness of the incident, who has narrated the incident that occurred soon before the death of the deceased in which these applicants thrashed the deceased for petty reasons. Hence, case of abetment for committing suicide is made out, therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The deceased Kumari Bai was daughter-in-law of these applicants and she had a separate residence. It is alleged that applicants used to frequently quarrel with the deceased on various pretext and used abusive words for her. On the date of incident for the reason that the deceased had beaten her son, the applicant again engaged in quarrel with the deceased and slapped her and thereafter she poured kerosene oil over herself and set herself ablaze and she died next day.
6. Considered on the submissions made and the contents of the case diary. No dying declaration has been recorded in this case and the statement regarding the incident has been given by a child of 11 years of age. The statement of the child witness recorded is undated and the FIR has been lodged after long delay of about seven months, hence for this reason, 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 the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge