

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3838 of 2019

- Gomti Bai Sonjhri W/o Barati Lal Sudarshan Sonjhri Aged About 35 Years R/o Village Kudhri, P.S. And Tahsil Janjgir, District Janjgir-Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Janjgir, District Janjgir-Champa Chhattisgarh.

---- Respondent

&

MCRC No. 4740 of 2019

- Laxman Sonjhari S/o Shri Balram Sonjhari Aged About 30 Years R/o Village Madai, Police Station Seepat, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through District Magistrate, Janjgir District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Ajay Kumrani & Mr. Vaibhav A. Goverdhan, Advocates.
For Respondent	:	Mr. Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

09/08/2019

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Both these applications filed under Section 439 of the Code of Criminal Procedure, 1973 are first bail applications on behalf of the applicants

for grant of regular bail to them as they are in custody in connection with Crime No.247/2019 registered at Police Station- Janjgir, District – Janjgir-Champa(C.G.) for the offence punishable under Sections 304-B, 34 of Indian Penal Code (for short 'IPC').

3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Applicant Gomti is sister in law of the deceased and applicant Laxman is brother in law of the deceased. They are in jail since 11.05.2019. No case is made out against them. The deceased died on 27.7.2018 due to poisoning. Subsequent to that in the inquest procedure, no statement was made by the mother of the deceased against these applicants. However, on the basis of a written complaint filed by Puna Ram father of the deceased, these applicants have been arrayed as an accused in this case. Applicant in both the cases are entitled for grant of bail, hence, it is prayed that they may be released on regular bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that there is evidence present in the case diary against these applicants, therefore, they are not entitled for grant of regular bail.
5. Heard both the parties and perused the case diary.
6. According to prosecution case, marriage of deceased Sapna was performed with co-accused Vishal on 20.4.2018. Within 3 months the deceased died on 27.7.2018 due to poisoning, under suspicious circumstances. FIR has been lodged later on on 10.5.2019 on the basis of morgue inquiry and the complaint given.
7. Considering that in the morgue statement the mother of the deceased had made statement only against husband of the deceased and the

name of these applicants has appeared at subsequent stage of investigation, therefore, I am of this view that this is a fit case where applicants should be enlarged on regular bail.

8. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha