

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5005 of 2019

1. Smt. Maheshwari Sahu & Anr. Wd/o Late Krishna Kumar Sahu Aged About 50 Years R/o Village Junwani, Police Station Bhakhara, Tahsil Kurud, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh
2. Smt. Hameshwari Sahu W/o Peman Sahu Aged About 29 Years R/o Village Junwani, Police Station Bhakhara, Tahsil Kurud, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer, Police Of Police Station Bhakhara, District Dhamtari Chhattisgarh.

---- Respondent

For Applicants : Mr. Pawan Kesharwani, Advocate.

For Respondent : Mr. Devendra Pratap Singh, Dy. Adv. General.

For Objector : Ms. Laxmin Kashyap, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/08/2019

1. This bail first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.106/2019 registered at Police Station–Bhakhara, District– Dhamtari(C.G.) for the offence punishable under Sections 304(B) r/w 34 of Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 27.05.2019. Both these applicants are women and taking care of the minor child of the deceased. These applicants have not committed any

offence. The morgue statement recorded does not reflect the name of these applicants in any manner in the said commission of offence. Further, in the later on development their name has been added deliberately to falsely implicate them. Charge-sheet has been filed, after completion of investigation, hence, it is prayed that he may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the FIR and the statement under Section 161 of CrPC clearly alleges against the applicants, that they are the persons who have made demand of dowry soon before the death of deceased, therefore, no case is made out for grant of bail.
4. Learned counsel for the Objector after adopting arguments advanced by State counsel submitted that the father of the deceased has specifically made statement under Section 161 of CrPC that these applicants had participated in making demand of diary from the deceased, hence, the application be rejected.
5. Heard both the parties and perused the case diary.
6. According to prosecution case, deceased Indu Sahu got married to the co-accused Chandrahash Sahu on 5.3.2016. Deceased died an unnatural death on 21.5.2019 due to poisoning. In the morgue statement, the father of the deceased made allegation only against Chandrahash Sahu the co-accused whereas later on, the FIR has been lodged on 26.5.2019, involving the name of these applicants and on the basis of added statement under Section 161 of CrPC that these applicants are made demand of dowry from the deceased.
7. Looking to the development that has taken place in the investigation and for the reason that both these applicants are women, I feel inclined

to allow the application of these applicants.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is 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