

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 1598 of 2018**

1. Devendra Kumar Sahu, S/o. Shri Gajanand Sahu, Aged About 28 Years,
2. Gajanand Sahu, S/o. Late Jethuram Sahu, Aged About 60 Years,  
Both R/o Village Busrenga, Post Beodi, Tahsil Gunderdehi, District Balod Chhattisgarh.

**----Applicants****Versus**

State Of Chhattisgarh, Through : Police Station Ranchirai, tehsil Gunderdehi, District Balod Chhattisgarh.

**---- Respondent**


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| For Applicants       | : Mr. Prasoon Agrawal, Advocate  |
| For Respondent/State | : Mr. Neeraj Mehta, Panel Lawyer |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****07/01/2019**

1. Apprehending arrest in connection with Crime No.58/2018, registered at Police Station – Ranchirai, District – Balod (C.G.) for offence punishable under Section 304-B, R/w. Section 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material present in the case-diary. The victim in this case has left suicide note, which has been seized by the police, in which she has blamed herself for her own death. After about three months, the parents of the deceased have given false statement against the applicants, which shows that case against the applicants is

concocted. Hence, for this reason, it is prayed that the applicants may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that it is a case of dowry death and the applicant No.1 is the husband of the deceased, who is directly responsible for this offence. Hence, no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Marriage of the deceased Lokeshwari @ Pinki was performed on 03.05.2015. It is alleged in the statement given by the parents of the deceased that the deceased was being tortured for the reason that she could not conceive child and also that sufficient dowry was not given in the marriage. The deceased committed suicide on 12.05.2018 by consuming poisonous substance.
6. Considered the submissions made and the contents of the case diary. On perusal of the documents filed along with the application, specifically the copy of the suicide note which is attached and for the reason that co-accused persons namely Smt. Yamuna Sahu and Smt. Shivratri have been enlarged on anticipatory bail, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in

sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge

Balram