

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1702 of 2018

1. Smt. Durpati Sahu W/o Late Sanat Kumar Sahu, Aged About 53 Years, R/o Village Bendri, Post Office and Police Station Rakhi, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Smt. Purnima Sahu W/o Anup Kumar Sahu, Aged About 30 Years, R/o Village Bendri, Post Office and Police Station Rakhi, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicants

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police Station Rakhi, New Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicants – Mr. Shivendu Pandya, Advocate.

For Non-applicant/State – Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-01-2019

1. Apprehending arrest in connection with Crime No.204/2018, registered at Police Station – Rakhi, New Raipur, District Raipur, Chhattisgarh for offence punishable under Section 304(B), 498(A)/34 of the IPC, the applicants have preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against them. General allegations have been made involving these applicants in the said commission of offence, whereas, the main accused in this case appears to be Rahul Sahu who has been arrested and placed in detention. These applicants were never involved in the act of subjecting the deceased to cruel treatment or for demand of dowry and both the applicants are women. Hence, it is prayed that these applicants may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that looking to contents of the FIR and the statement given by the witnesses, these applicants are equally involved in commission of the crime.

Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. Marriage of deceased Sangeeta Sahu with co-accused Rahul Sahu took place in the month of April 2018, the deceased committed suicide by hanging herself on 16-11-2018. In the complaint filed on 17-11-2018 by brother of the deceased it was alleged that the deceased was subjected to torture for demand of dowry and prior to the date of incident co-accused Rahul Sahu had thrashed the deceased, subsequent to which, she committed suicide. Hence, this case.

6. Considered on the entire material present in the case diary. Looking to the allegations that have been made which appear to be mainly against the husband of the deceased and the fact that the allegation regarding participation of these applicants is general in nature, further, both these applicants are women, hence, for these reasons, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to

fair and expeditious trial; and

- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge