

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1711 of 2018

1. Khemraj S/o Paltan Ram Sahu Aged About 30 Years R/o Village- Thekalagadadih, Police Station- Magarlod, Tahsil- Kurud, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh
2. Fanendra Kumar S/o Paltan Ram Sahu Aged About 26 Years R/o Village- Thekalagadadih, Police Station- Magarlod, Tahsil- Kurud, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh
3. Paltan Ram Sahu Bandhu Ram Sahu Aged About 60 Years R/o Village- Thekalagadadih, Police Station- Magarlod, Tahsil- Kurud, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh
4. Jain Bai W/o Paltan Ram Sahu Aged About 54 Years R/o Village- Thekalagadadih, Police Station- Magarlod, Tahsil- Kurud, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Magarlod, Civil And Revenue District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Respondent

For Applicants : Mr. P.K. Patel, Advocate.

For Respondent : Mr. Arun Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

16/01/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime

No.190/2018 registered at Police Station-Magarlod, Civil & Revenue District – Dhamtari(C.G.), for the offence punishable under Section 306/34 of Indian Penal Code.

2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against these applicants. The relation between the applicants and the wife of applicant No.1 Dulari Bai the deceased had been very cordial. The deceased was mentally retarded and because of her mental illness, she committed suicide by hanging herself, for which these applicants are not responsible in any manner. Earlier in the morgue statement, none of the witnesses made any statement against these applicants. Later on, without any basis FIR has been lodged on 7.8.2018 making false allegation against these applicants, hence, it is prayed that these applicants may be enlarged on anticipatory bail.
3. Learned State Counsel opposes the bail application and the submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. The marriage of applicant No.1 with deceased took place in the year 2012 and deceased committed suicide on 12.6.2018 by hanging herself. Hence, this is an unnatural death within 7 years of the marriage of the deceased. It appears in the statement recorded under Section 161 of CrPC, the brother of the deceased had made a statement that deceased was subjected to torture and cruel treatment by the applicants. Hence, this case.
6. On perusal of the case, it has appeared that earlier the statement recorded of the witnesses during morgue inquiry was different with no allegation against the applicants whereas later on the statement under

Section 161 of CrPC has some improvements, hence, after due consideration, I am of this view that this is a fit case where the applicants should be enlarged on anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed and 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 their executing a personal bond in the sum of Rs.25,000/- each with one surety 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge