

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1238 of 2020**

1. Dukesh S/o Bisauha Sadipanch, aged about 24 years,
2. Bisauha S/o Manuklal Sadipanch, aged about 55 years,
3. Leela Bai W/o Bisauha Sadipanch, aged about 45 years,

All R/o village Aamgaon, Police Station Salhewara, Tahsil Chhuikhadan,
District Rajnandgaon (CG)

---Applicants

Versus

State of Chhattisgarh Through Station House Officer, Police Station –
Salhewara, District Rajnandgaon (CG)

---Non-Applicant

For Applicants	:	Mr.Hemant Kesharwani, Advocate
For Non-applicant	:	Mr.Ghanshyam Patel, Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

12/05/2020

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for release them on regular bail during trial in connection with Crime No.2/2020, registered at Police Station-Salhewara, Distt. Rajnandgaon (CG), for the offence punishable under Sections 306/34 of the IPC.
2. Learned counsel for the applicants submits that he does not want to press the bail application of applicant No.1-Dukesh.
3. Accordingly, bail application so far as it relates to applicant No.1-Dukesh is dismissed as withdrawn. However, liberty is reserved in his favour to revive the same after six months if the trial does not progress.
4. Case of the prosecution, in brief, is that within 13 days of marriage Rewati Bai (since deceased) committed suicide by consuming poison on account of torture committed by the applicants.

5. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in crime in question. Since wife of applicant No.1-Dukesh was pregnant, she was inquired into about pregnancy and therefore, she committed suicide. Applicant No.2-Bisauha is father-in-law and applicant No.3-Leela Bai is mother-in-law of deceased Rewati Bai and they have been arrested on 30.1.2020.

6. On the other hand, learned counsel for the State would oppose the bail application.

7. I have heard learned counsel appearing for the parties and perused the case diary.

8. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, allegation against applicants No.2-Bisauha and applicant No.3-Leela Bai (father-in-law and mother-in-law) and their pre-trial detention, this Court is of the opinion that present is a fit case, in which, applicant No.2-Bisauha and applicant No.3-Leela Bai should be enlarged on regular bail.

9. Accordingly, the bail application filed on behalf of **applicant No.2-Bisauha and applicant No.3-Leela Bai** under Section 439 of the Cr.P.C. is allowed.

10. It is directed that **applicant No.2-Bisauha and applicant No.3-Leela Bai** shall be released on bail on their furnishing a personal bond in the sum of ₹ 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.

11. It is made clear that if the applicants have already been released on bail pursuant to the bail bonds already furnished in view of the order passed

by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.3.2020 in the matter of In **Re : Contagion of COVID 19 Virus in Prisons** (Suo Motu Writ Petition (C) No.1/2020), they need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if they have not furnished bail bonds earlier, then they will be required to furnish bail bonds.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-