

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1440 of 2020**

1. Tipu Sahu, S/o Dasru Sahu, aged about 56 years,
2. Smt. Urmila Sahu, W/o Tipu Sahu, aged about 54 years,
3. Uttam Sahu, S/o Tipu Sahu, aged about 30 years,

All residence of Village – Charoda, Police Station – Dharsiwa, Tah. & District -Raipur (C.G.)

---- Applicants

Versus

State of Chhattisgarh, through – Police Station- Gurur, District – Balod (C.G.)

----Non-applicant

For Applicants	: Mr. Pawan Kesharwani, Advocate.
For Respondent/State	: Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board**

13/05/2020

(1) The accused/applicants have preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 168/2019 registered at police Station Gurur, District Balod (C.G.) for the offence punishable under Sections 306, 498-A/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that marriage of Damini Sahu (since deceased) was solemnized with Vikash Sahu, who is son of applicants No. 1 & 2 and brother of applicant No. 3 on 8.2.2018, and immediately after the marriage present applicants along with her husband – Vikash Sahu started harassing her and treated her

with cruelty in connection with demand of dowry and on 05.02.2019 out of humiliation and frustration the deceased committed suicide in her parental house.

(3) Counsel for the applicant submits that the applicants have been falsely implicated in the crime in question as there is evidence available on record to connect the applicants with the crime in question. He submit that co-accused – Vikash Sahu (husband of the deceased) has already been granted anticipatory bail by this Court vide order dated 18.10.2019 passed in M.Cr.C. (A) No. 1259 of 2019 and the present applicants have been arrested on 7.2.2020 and, therefore, applicants may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the nature and gravity of the offence and further considering the facts that the applicants have been arrested on 7.2.2020; and main accused – Vikash Sahu, who is husband of the deceased, has already been granted anticipatory bail by this Court vide order dated 18.10.2019 passed in M.Cr.C. (A) No.1259 of 2019, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the bail application is allowed.

(6) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

(7) 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 23.03.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons**

(Suo Moto 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 the bail bonds earlier, then they will be required to furnish bail bonds within four weeks from today.

(8) Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

