

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3088 of 2020**

1. Guman Singh Sahu, S/o Salik Ram Sahu, aged about 25 years.
 2. Salik Ram Sahu S/o Mangal Prasad Sahu, aged about 55 years.
 3. Devantin Bai W/o Salik Ram Sahu, aged about 54 years.
- All R/o village Anda, Police Station Anda, District Durg (C.G.).

---- Applicants**Versus**

- State Of Chhattisgarh Through : Station House Officer, Police of Police Station Anda, District Durg (C.G.).

---- Respondent

For Applicants	:	Shri Tarun Dadsena, Advocate
For Respondent	:	Shri Ravish Verma, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****13/07/2020**

Heard.

Admit.

1. This is second bail application in respect of applicant Nos. 1 and 2 & third bail application in respect of applicant No.3 under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.05/2018, registered at Police Station – Anda, District Durg (C.G.) for the offence punishable under Sections 304-B, 306 and 201/34 IPC.
2. Vide order dated 26.06.2018, bail application of applicants was dismissed as withdrawn with liberty to repeat the same after examination of witnesses namely Bisal, Birja, Pawan Kumar and Seeta Bai. Vide order dated 11.12.2018, bail application of applicant Devantin Bai (A-3) was dismissed as withdrawn with liberty to repeat the same after three

months, if trial is not concluded.

3. The allegation against the present applicants is that they harassed deceased Giteshwari Sahu, wife of applicant No.1, for demand of dowry, as a result of which, on 02.12.2017 she poured kerosene oil on her and set her ablaze. Based on this, offence has been registered. The present applicants have been taken into custody on 11.03.2018.
4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that the deceased herself has stated before the Doctor that she burnt while preparing the meal in kitchen. He also submits that neither relatives of deceased raised allegation of cruelty nor any report thereof whatsoever has been made by the relatives of the deceased soon before the incident. He next submits that the applicant Nos. 2 and 3 namely Salik Ram Sahu and Devantin Bai are aged about 55 and 54 respectively, they are in custody since 11.03.2018 and there is no likelihood of their case being decided in near future. Therefore, they may be released on bail.
5. On the other hand, learned counsel for the State opposed the bail application. He submits that the applicants were harassing and committing maarpeet with the deceased on account of dowry and due to this, the deceased has committed suicide.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and circumstances of the case and quality of evidence against applicant No.1-Guman Singh Sahu, at this stage, I am not inclined to release him on bail. Bail application in respect of applicant No.1-Guman Singh Sahu is rejected.
8. Considering the totality of the facts and circumstances of the case, and further considering the fact that applicant No.2 and 3 are aged about 55 and 54 years respectively, they are in

custody since 11.03.2018 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.

9. Accordingly, the bail application in respect of applicant No.2 and 3 is allowed.
10. It is directed that the Applicant No. 2-Salik Ram Sahu and applicant No.3-Devantin Bai shall be released on bail on their executing a personal bond for a sum of Rs.25,000/- each with one solvent surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge