

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.3928 of 2020**

1. Vijay Sahu S/o Chandu Sahu Aged About 37 Years R/o Village Rivagahan, Post Ranitarai, Tehsil Patan, District Durg Chhattisgarh., District : Durg, Chhattisgarh
2. Khorbahara Sahu S/o Aakalu Sahu Aged About 53 Years R/o Village Rivagahan, Post Ranitarai, Tehsil Patan, District Durg Chhattisgarh., District : Durg, Chhattisgarh
3. Dujram Sahu S/o Madho Ram Sahu Aged About 37 Years R/o Village Khabribi, District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Petitioners**Versus**

- State Of Chhattisgarh Through S.H.O. Thana Ranitarai , Durg, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent**MCRC No.3936 of 2020**

- Chandulal Sahu S/o Late Akalu Ram Sahu Aged About 61 Years R/o Village Rivagahan, Post- Ranitarai, Tehsil - Patan, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through District Magistrate Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant/s	:	Shri Avinash Chand Sahu, Advocate
For Respondent/State	:	Smt. Fouzia Mirza, Additional AG

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****19/08/2020**

Heard.

1. This order shall govern disposal of M.Cr.C.No.3928 & 3936 of 2020 as both bail applications arise out of the same crime number.
2. The applicants have moved these bail applications under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.44/2020 registered at Police Station Ranitarai, District Durg for the offence punishable under Section 306 of the IPC and Section 4, 5 and 7 of Tonhi Pratadna Act. The applicants were arrested on 20-03-2020.
3. Prosecution case is that the applicants of aforesaid bail applications harassed and tortured the deceased-Kirtan Bai by branding her as "Tonhi" and levelled allegations of playing witchcraft on their grand daughter, due to which, Kirtan Bai committed suicide.
4. Learned counsel for the applicant seeks to withdraw bail application of applicants-***Vijay Sahu, Khorbahara Sahu and Dujram Sahu (M.Cr.CNo.3928 of 2020)***.
5. Accordingly, the bail application (M.Cr.C.No.3928 of 2020) is dismissed as withdrawn.
6. As far as applicant-Chandulal Sahu in bail application (M.Cr.C.No.3936 of 2020) is concerned, learned counsel for the applicant submits that the allegations against the applicant-Chandulal Sahu are not specific. He would submit that though, there may be allegations against other applicants, as far as Chandulal is concerned, it is improbable that Chandulal, father of other accused, could have joined the other accused in harassing and torturing the deceased. The applicant-Chandulal is 61 years of age and further considering that the investigation is complete and charge sheet has been filed, he may be granted bail.
7. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that there are allegations not only against other applicants, but also against the applicant-Chandulal that he also harassed and tortured the deceased by branding her as "Tonhi".
8. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission regarding limited role of Chandulal and also that the applicant-Chandulal is aged 61 years, I am inclined to grant bail to the applicant-Chandulal Sahu.
9. Accordingly, the bail application of Chandulal Sahu (M.Cr.C.No.3936 of 2020) is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with one local surety of the like

amount to the satisfaction of the concerned trial Court on the condition that he shall appear before the trial Court regularly on each and every date of hearing, unless exempted.

Certified copy as per rules.

SD/-
(Manindra Mohan Shrivastava)
Judge