

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6986 of 2020**

Smt Kumari Bai Sahu W/o Shri Ramlal Sahu Aged About 48 Years R/o Village- Sasha, Police Station Palari, District Baloda Bazar- Bhatapara, Chhattisgarh.

----Applicants**Versus**

State of Chhattisgarh Through- Station House Officer, Police Station- Palari, Distt. Baloda Bazar-Bhatapara, Chhattisgarh.

--- Respondents**And****MCRC No. 7014 of 2020**

Mukesh Sahu S/o Shri Ramlal Sahu, Aged About 24 Years (Wrongly Mentioned 48 Years In Order Sheet), R/o Village - Sasha, Police Station Palari, District Baloda Bazar - Bhatapara Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through - Station House Officer, Police Station - Palari, District - Baloda Bazar - Bhatapara Chhattisgarh.

--- Respondents

For Applicants	: Mr. C. R. Sahu, Advocate.
For Respondent-state	: Mr. Vikram Sharma, Dy. GA.
For Complainant	: Mr. K.K. Dewangan, Advocate.

Hon'ble Shri Parth Prateem Sahu, J**Order on Board****14/12/2020**

1. As both the above bail applications arise out of same crime number, they are heard and decided together by this common order.
2. Applicants have preferred these applications under Section 439 Cr.PC for grant of regular bail as they have been arrested in connection with Crime No.341/2020, registered at Police Station – Palari, District –Baloda Bazar-Bhatapara, (C.G), for the offence under Sections 306, 498A & 34 of the Indian

Penal Code, 1860.

3. Case of the prosecution, in-brief, is that Bhuneshwari Sahu was married with applicant/Mukesh Sahu about 4 years prior to the date of incident. On the date of incident, Mukesh Sahu has quarreled with her, assaulted her and also dragged her by catching hold her hairs. On account of abuse and assault to deceased, she consumed poison (Pesticide) on 29.7.2020. She was taken to hospital from where she was discharged on 03.08.2020. On 06.08.2020 again she was admitted in the hospital from where she was discharged on 08.08.2020. Thereafter, she was again admitted in hospital on 14.08.2020. On 16.08.2020 she was referred to higher hospital for better treatment, but on the way she died.
4. Learned counsel for the applicants submits that disputes between Mukesh Sahu and deceased were normal wear and tear of married life, which normally happens in day-to-day life between husband and wife. On the date of accident, on account of some dispute taken place between them, she herself had consumed poison and this fact has been admitted by her in presence of doctor, her parents and Investigating Officer. He also submits that before the date of incident, when deceased met with her father in another house of the same village, she was happy as there was no dispute at all between them. She took the steps of consuming poison in the spur of moment. Applicants have not committed any offence as alleged against them. Hence, applicants may be released on bail.
5. Learned counsel for the State opposes the bail application and submits that as per statement of the father of deceased, applicants were continuously quarreling and harassing the deceased, therefore, deceased took steps to commit suicide by consuming poisonous substance on 29.7.2020. As per the post-mortem report also, the cause of death was cardiorespiratory arrest due to Magnetite, which is related with the poisonous substance.

6. Learned counsel for the complainant opposes the bail application and submission made by learned counsel for the applicants. He made almost identical submission as of learned State counsel.
7. Heard learned counsel for both the parties.
8. Taking into consideration the facts and circumstances of the case, nature of allegation levelled against applicants, statement of father of deceased where he stated that when he met with her daughter, she was looking happy and not made any complaint against the applicants, without commenting upon the merits of the case, I am inclined to allow the bail applications of applicants.
9. Accordingly, bail applications are allowed. It is directed that the applicants be released on regular bail on their furnishing a bail bond in the sum of Rs.10,000/- each one with surety in the like sum to the satisfaction of the Court on the conditions that :-
 - a) They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) They shall not, in any manner, tamper with the prosecution witnesses.
 - c) If they are found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

Jamal/-