

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 178 of 2021

1. Ramadhar Sahu, S/o Late Ratiram Sahu, aged about 37 years
2. Seetambai Sahu, W/o Late Ratiram (D/o. Bahursingh), aged about 57 years
Both above applicants are R/o. Village Ganeshkhapri, P.S. Devri, Tehsil Daundilohara, District Balod (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Devri, District Balod (C.G.)

---- State/Non-Applicant

For Applicants	:	Ms. Aditi Singhvi, Advocate
For Non-Applicant/State	:	Shri C.B. Kesharwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

15.02.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 22.12.2020 in connection with Crime No. 191/2020 registered in Police Station- Devri, District Balod (CG) for the offence punishable under Section 306 read with Section 34 of IPC.
2. Marriage of deceased Sato Bai and applicant No.1 Ramadhar Sahu was solemnized prior to 12 years of her death and having two male children from wed-lock. Deceased Sato Bai died in the night of 15th–16th July, 2019 by hanging herself at her home. Applicant No.2 Seetam Bai Sahu is mother-in-law of the deceased. The allegation against the present applicants is that they used to physically and mentally harass the deceased due to which she committed suicide by hanging herself.
3. Learned counsel for the applicants submits that the applicants are innocent person and have been falsely implicated in the crime in question. She submits that there is no evidence against the applicants that they abetted the

deceased to commit suicide. She further submits that the incident happened in the night of 15th–16th July, 2019 and the F.I.R. was lodged on 21.12.2020, therefore, there is long delay in lodging the F.I.R. She also submits that the applicants are in jail since 22.12.2020 and conclusion of the trial is likely to take some time, therefore, they be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the fact that marriage of the deceased with applicant No. 1 was solemnized prior to 12 years of her death and she committed suicide on 15th–16th July, 2019, there is no specific allegation made against the presents applicants that they abetted the deceased to commit suicide, as per postmortem report, no bodily injury was found on the body of the deceased, the incident happened on 15th–16th July, 2019, there is long delay of about 1½ years from the incident in lodging the F.I.R., the detention period of the applicants, there is no apprehension of the applicants tampering with the evidence or absconding, charge-sheet has already been filed and conclusion of the trial is likely to take some time, without expressing any opinion on merits of the case, the bail application is allowed.
6. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-
 - i. they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
 - ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. they shall appear before the trial Court on each and every date

given to them by the said Court till disposal of the trial.

- iv. they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Gautam Chourdiya)

Judge

vatti