

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 797 of 2021**

- Firatram Sahu, son of Lachchhiram Sahu, aged about 64 years, resident of village Khokhari, Thana Shivrinarayan District Janjgir-Champa Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: District Magistrate mahoday Janjgir, District Janjgir Champa, Chhattisgarh

-----Respondent

For Applicant	: Mr. Vikas Pandey, Advocate
For Respondent- State	: Mr. Vikram Sharma, Deputy G.A.

Hon'ble Shri Parth Prateem Sahu, Judge***(proceedings through video conferencing)*****ORDER****18/06/2021**

1. Applicant has preferred this **First Bail Application** under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No.115/2020 registered at Police Station Shivrinarayan, District Janjgir-Champa (C.G.) for the offence punishable under Sections 306, 498A read with Section 34 of IPC.
2. Case of the prosecution is that in the intervening night of 07.01.2020 and 08.01.2020, at about 01:00 am, deceased Seema Sahu who is daughter-in-law of the applicant set herself on fire and died due to burn injuries. During the course of autopsy, doctor has opined the death due to burn injury and nature of death to be suicidal. On the basis of merged enquiry, F.I.R. was registered on 19.04.2020 against the present applicant (father-in-law), Mukesh (husband) and Triveni Bai (mother-in-law).
3. Mr. Vikas Pandey, learned counsel for the applicant submits that the

false and omnibus allegation has been levelled by the family members of the deceased against the present applicant. He submits that immediately after the incident on 08.01.2020, present applicant reported the merg to the concerned police station, on the same day, statement of Manoj Sahu (brother of deceased) was recorded by the police during the course of merg enquiry, in which, there is no allegation of demand of dowry or ill-treatment prior to January, 2020, but the allegation is levelled only with respect to demand of money by the applicant from his son Mukesh for the purpose of contesting panchayat election, which the deceased and her husband Mukesh earned from labour work at Jaipur (Rajasthan). He submits that the allegation levelled in the statement recorded under Section 161 of CrPC is vague, omnibus and afterthought, present applicant is an aged person of 64 years and is in jail since 14.12.2020, hence, the applicant be given benefit of Section 439 of CrPC.

4. Mr. Vikram Sharma, learned counsel representing the State, while opposing the submissions made by learned counsel for the applicant submits that the allegation in the statement of Manoj Sahu (brother of deceased), Amrit Lal Sahu (uncle of deceased) and mother of deceased is with regard to ill-treatment and demand of dowry after two-years of marriage ie. since 2014, hence, the applicant is not entitled for the benefit under Section 439 of CrPC.
5. I have heard learned counsel for the respective parties.
6. The statement of Manoj Sahu recorded on 08.01.2020 has been read-over by the learned State counsel wherein the said witness has not made any allegation against the present applicant of the act committed by the applicant prior to January, 2020. Allegation which is levelled against the present applicant is with regard to demand of money by the

applicant from his son Mukesh for the purpose of contesting panchayat election which Mukesh has earned from his labour work along with his deceased wife.

7. Taking into consideration the nature of allegation levelled against the present applicant, the fact that the applicant is in jail since 14.12.2020, charge-sheet is filed and the trial may take some time, without commenting anything on merits, I am inclined to enlarge the applicant on bail.
8. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicant is 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