

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1584 of 2021

1. Changur Ram Chouhan S/o Late Ramnath Chouhan, Aged About 68 Years,
2. Smt. Sushila Devi W/o Changur Ram Chouhan, Aged About 60 Years,

Both are R/o Model Town Plot No. 733 Street No. 10, House Of C.R. Chouhan, Police Chowki Smriti Nagar, P.S. Supela Bhilai, Tehsil And District Durg (C.G.).

----Applicants

Versus

1. State Of Chhattisgarh, Through District Magistrate, District Durg (C.G.).

---- Non-Applicant

For Applicants	:	Mr. Avinash Chand Sahu, Advocate.
For Respondent/State	:	Mr. Vimlesh Bajpai, Govt. Advocate.
For Objector	:	Mr. Pragalbha Sharma, Advocate.

MCRCA No. 107 of 2021

1. Neelam Chouhan W/o Swaroop Ghosh, Aged About 31 Years, R/o Shahid Colony Shodhpur, Kolkata (West Bengal).

----Applicant

Versus

1. State Of Chhattisgarh, Through S.H.O. Police Station Supela, District Durg (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Avinash Chand Sahu, Advocate.
For Respondent/State	:	Mr. Vimlesh Bajpai, Govt. Advocate.
For Objector	:	Mr. Pragalbha Sharma, Advocate.

Hon'ble Justice Shri Gautam Chourdiya
Order On Board

25/03/2021

- 1) Heard.

- 2) As both these applications arise out of the same crime number they are being disposed of by this common order.
- 3) Applicant Changur Ram Chouhan & Smt. Sushila Devi have filed First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as they are in jail since 13/11/2020 in connection with crime No. 777/2020, registered at Police Station Supela, District Durg (C.G.) for the offence under Sections 306, 34 of Indian Penal Code.
- 4) Applicant Neelam Chouhan has filed First Bail Application under Section 438 of Code of Criminal Procedure, 1973 for grant of anticipatory bail as she is apprehending her arrest in connection with aforesaid crime number for the offence under Sections 306, 34 of Indian Penal Code.
- 5) The case of the prosecution, in brief, is that the deceased Shashi Kala Chouhan got married in the year 2008 with Ashok Kumar Chouhan who is son of applicants in MCRC No. 1584/2021 and brother of applicant in MCRCA No. 107/2021. The allegation against the present applicants is that they along with all other in-laws of the deceased including her husband used to harass and beat the deceased for demand of dowry as a result of which she committed suicide by hanging and thereby the aforesaid offence has been committed.
- 6) Learned counsel for the applicants in both the applications submits that the applicants are innocent persons and have been falsely implicated in this case. The ingredients necessary for attracting the offence under Section 306 of IPC are missing in this case. Applicants Changur Ram Chouhan and Smt. Sushila Devi are aged 68 and 60 years respectively, they in jail since 13/11/2020, charge sheet has already been filed, and trial is likely to take some time for its disposal. He further submits that there is no specific allegation against applicant Neelam Chouhan that she committed any cruelty against the deceased. Applicant Neelam Chouhan was living separately and she was not present at the time of incident. He submits that co-accused Shiv Kumar and Smt.

Sarita Chouhan have already been granted regular bail by this Court vide order dated 21/01/2021 in MCRC No. 8996/2020. Therefore, the applicants deserve to be released on bail.

- 7) On the other hand, learned counsel for the State as well as counsel for the Objector vehemently opposes the bail applications.
- 8) Heard learned counsel for the parties.
- 9) Considering the facts and circumstances of the case, the fact that there is no specific allegation made against the applicant Neelam Chouhan regarding cruelty or causing bodily injury to the deceased, was residing separately and not present at the time of incident, in the FIR lodged by the deceased 16/10/2020 i.e. a day before her death, she has alleged that over some domestic issue she was abused and beaten by her husband, father-in-law and mother-in-law (applicant in MCRC No. 1584/2021), the applicants Changur Ram Chouhan and Smt. Sushila Devi are aged 68 and 60 years respectively, they are in jail since 13/11/2020, charge sheet has already been filed, and there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the counsel, the co-accused Shiv Kumar and Smt. Sarita Chouhan have already been released on bail by this Court, and that conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for releasing the applicants on bail. Accordingly, both the applications are **allowed**.
- 10) In the event of **each** of the applicants namely Changur Ram Chouhan and Smt. Sushila Devi 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.
- 11) Likewise, in the event of arrest of applicant Neelam Chouhan in connection with aforesaid offence, she shall be released on bail by the arresting officer on her furnishing a personal bond for a sum of

Rs. 50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the arresting officer.

12) The applicants 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

Chandrakant