

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRCA No. 1660 of 2020

1. Loknath Sahu, S/o Late Nawal Sahu Aged About 50 Years,
2. Smt. Kunwaria Bai W/o Loknath Sahu Aged About 47 Years

Both are R/o Village Kudhurtal, P.S. Lalpur, Tahsil- Lormi
District- Mungeli, Chhattisgarh. **---- Applicants**

Versus

- State of Chhattisgarh, Through: P.S. Civil Line, District-
Bilaspur, Chhattisgarh. **---- Non-Applicant**

MCRC No. 1823 of 2021

- Hemant Sahu, S/o Shri Loknath Sahu, Aged About 27
Years, Permanent R/o Deendayal Colony, Mangla, Police
Station Civil Line, Bilaspur Tahsil and District Bilaspur
Chhattisgarh, Presently R/o Village Kudurtal Post Chandeli,
Police Station and Tahsil Lalpur, District Mungeli
Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through - Station House Officer,
Police Station Civil Line, Bilaspur, District Bilaspur
Chhattisgarh. **---- Non-Applicant**

MCRC No. 2697 of 2021

- Suman Sahu, S/o Shri Loknath Sahu, Aged About 24 Years,
R/o Village Kudhurtal, Police Station Lalpur, District Mungeli,
Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through: Station House Officer,
Police Station Civil Line, Bilaspur, District Bilaspur
Chhattisgarh. **---- Non-Applicant**

For Applicants	:	Mr. Yogendra Chaturvedi, Advocate
For Non-Applicant/State	:	Dr.(Ms.) Veena Nair, Dy.A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

23.06.2021

- 1) Since all these cases arise out of same crime number, they are being disposed of by this common order.
- 2) The applicants Loknath Sahu, Smt. Kunwaria Bai have preferred this application under Section 438 of Code of Criminal Procedure, 1973, as they apprehends their arrest in connection with Crime No.786/2020 registered at Police Station- Civil Line, District- Bilaspur (C.G.) for the offence punishable under Sections 304 B, 34 of IPC.
- 3) **MCRC No. 1823 of 2021:-** Hemant Sahu has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he was arrested on 02.02.2021
- 4) **MCRC No. 2697 of 2021:-** applicant Suman Sahu has preferred this Second Bail Application under Section 439 of Code of Criminal Procedure, 1973. As first bail application of the applicant Suman Sahu was dismissed as withdrawn vide order dated 29.01.2021 in MCRC No. 9283 of 2020, as he was arrested on 28.11.2020, in connection with Crime No.786/2020, registered at Police Station- Civil Line, District- Bilaspur (C.G.) for the offence punishable under Sections 304 B, 34 of IPC.
- 5) Case of the prosecution, in brief, is that the applicants Loknath Sahu, Smt. Kunwaria Bai are father-in-law and mother-in-law of the deceased and applicant Hemant Sahu and Suman Sahu are husband and sister-in-law of the

deceased. The deceased and accused applicant Hemant Sahu solemnized marriage on 27.04.2019, in the lifetime of the deceased the applicant party in connection with demand of Rs. 5 lacs and dowry tortured her mentally and physically, the applicant/husband Hemant Sahu used to assault the deceased in drunken condition, as a result of which, the deceased committed suicide by hanging.

- 6) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submits that after partition of the property, the deceased was living separately with her husband at Bilaspur. It is further submitted that applicants Loknath Sahu and Smt. Kunwaria Bai are living in village Kudhurtaal and doing agriculture in their 4-5 acres of agriculture lands, the applicant Suman was also living separately after partition. Applicant Suman Sahu is in jail since 28.11.2020 and applicant Hemant Sahu in in jail since 02.02.2021, charge-sheet has already been filed, the applicants have no criminal antecedents, charge-sheet has already been filed, there is no likelihood of the applicants tampering with the prosecution evidence or absconding and due to COVID-19 trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
- 7) On the other hand, learned counsel for the respondent/State opposes the bail applications and submits that the deceased was subject to cruelty, tortured by family members of her husband, in connection with demand of dowry and demand of Rs.5,00,000/- as a result of which, she committed suicide by hanging.
- 8) Having heard learned counsel for the parties.

9) Having regard to the facts and circumstances of the case, allegations made against the applicants, death of the deceased within two years of marriage under unnatural circumstances, statements of witnesses, without commenting anything on the merits of the case, the bail applications filed under Section 438 and 439 of Cr.PC. are rejected.

Sd/-
(Gautam Chourdiya)
Judge

Nadim