

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5041 of 2021**

- Santosh Kumar Sahu S/o Suklal Sahu Aged About 33 Years R/o Village Baitalpur, District Mungeli, Chhattisgarh ---- **Applicant**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sirgitti, District Bilaspur, Chhattisgarh ---- **Respondent**

MCRC No. 5298 of 2021

- Smt. Sushila Sahu Smt. Sushila Sahu Aged About 50 Years W/o Suklal Sahu, R/o Village- Kirna, Police Station- Sargaon, District- Mungeli, Chhattisgarh (Wrongly mentioned in order sheet District Bilaspur) ---- **Applicant**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station, Sirgitti, District- Bilaspur, Chhattisgarh ---- **Respondent**

For Applicants : Shri Ashish Gupta, Advocate
 For Respondent/State : Shri Hari Om Rai, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

25.10.2021

1. As these two bail applications are arising out of same crime number, they are being disposed of by this common order.
2. Applicants brother-in-law and mother-in-law of deceased Rameshwari Sahu have preferred these applications under Section 439 of CrPC for grant of regular bail as they were arrested in connection with Crime No.270 of 2021 registered at Police Station- Sirgitti, District- Bilaspur, Chhattisgarh for the offences punishable under Sections 304-B and 34 of IPC.
3. Case of the prosecution, in brief, is that Rameshwari Sahu (since deceased) got married with Ajay Kumar Sahu, co-accused on 15.06.2020. After marriage, due to some dispute, Ajay Kumar Sahu left Rameshwari Sahu at Bus stand, from where she called her mother and went to her parental house. After lapse of about 15 days, Ajay Kumar Sahu went to parents' house

of deceased and stated that he will not repeat his act again and brought back his wife to his house. They were residing separately at Yadav Nagar, Tifra, Bilaspur. On 03.05.2021, Rameshwari Sahu set her ablaze. She was immediately taken to the Hospital, where, during the course of treatment, she died on 12.05.2021, and merg intimation was reported to concerned Police Station, based upon which, crime was registered against applicants.

4. Shri Ashish Gupta, learned counsel for the applicants submits that allegations levelled against applicants are absolutely false and baseless. After marriage, deceased and her husband were residing separately in separate house, ie Yadav Nagar, Tifra, Bilaspur. Deceased set her ablaze on 03.05.2021 at her residence, only on the ground that her husband has uploaded photograph in social media on the birthday. He also argued that deceased in her dying declaration not made any allegation of ill-treatment against applicants or allegation of harassment for demand of dowry, but subsequently, allegations are levelled by her uncle and other relatives of deceased. Applicant- Santosh Kumar Sahu is in jail since 03.05.2021 and Sushila Sahu since 10.06.2021. Hence, they may be enlarged on regular bail.

5. Shri Hari Om Rai, learned State counsel opposing the submissions of learned counsel for the applicants, submits that in the statement of relatives of deceased, allegations of ill-treatment, harassment for demand of dowry are levelled against applicants. He read over statement of Ram Kumar Sahu, Uncle of deceased in support of his contention. However, he does not dispute contents of dying declaration

recorded by Executive Magistrate and statement of deceased by Police in presence of witnesses including Ram Kumar Sahu.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations, statement of deceased recorded by Police in presence of witnesses immediately on the next date of incident ie on 04.05.2021, dying declaration recorded by Executive Magistrate, wherein no allegations of any nature have been levelled against applicants or her husband, without commenting anything on merits of the case, I am inclined to enlarge the applicants on bail.

8. Accordingly, the bail application is allowed. It is directed that the applicants shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) each with one local surety in the like sum to the satisfaction of the concerned Court on the condition that:

- (a) Applicants shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- (b) Applicants shall not in any manner, tamper with the prosecution witnesses.
- (c) If the applicants are found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE