

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5330 of 2019**

1. Kalyani Sahu, D/o Pardeshi Sahu, aged about 24 years.
2. Bhagvanti Sahu, D/o Late Kartikram Sahu, aged about 65 years.

Both residents of Village – Hirmi, Thana – Suhela, District
BalodabazarBhatapara (C.G.)

---- Applicants

Versus

- State of Chhattisgarh through: the Police Station Suhela, District Baloda-Bazar-Bhatapara (C.G.)

---- Non-applicant

For Applicant	:	Ms. Supriya Upasane, Advocate.
For Non-applicant/State	:	Shri Anand Verma, Deputy Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****13.08.2021**

1. The matter is heard through Video Conferencing.
2. The Applicants have preferred this application under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No. 63/2021 registered at Police Station Suhela, District BalodabazarBhatapara (C.G.) for the offence punishable under Section 302, 201 & 34 of Indian Penal Code.
3. As per the prosecution case, as co-accused Pardeshi Sahu came to know about the illicit relation of his wife Kalyani Sahu (Applicant herein) with the deceased Shatrughan Verma, on 11.04.2021 Pardeshi Sahu took the deceased to his house and offered him liquor and with the help of his nephew namely Yogendra

Sahu assaulted the deceased with bamboo stick. Thereafter, they with the help of other co-accused including the present Applicants threw away the dead body to cause disappearance of evidence of crime. The Police registered offences against the accused persons and after completion of investigation, charge-sheet has been filed before the Court below.

4. Learned counsel for the Applicants submit that Applicants have been falsely implicated in this case. She submits that no offence was committed by the Applicants. Applicants are in custody since 15.04.2021, charge-sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, they may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation against the Applicants, no assault was made by them on the deceased, detention period of the Applicants, who are 24 years and 65 years old, charge-sheet has already been filed, the fact that the Applicants have no criminal antecedents and there is no likelihood of the Applicants tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, the application is allowed. It is directed that in the event of each of the Applicants executing a personal bond for a sum of Rs. 1,00,000/- with two sureties of Rs. 50,000/- 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,

(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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority,

(v) they shall not involve themselves in any offence of similar nature in the future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of Applicants involve themselves in similar offence in the future.

Sd/-
(Gautam Chourdiya)
Judge