

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C No.5423 of 2021**

Parmeshwar @ Pawan Sahu S/o Late Mahesh Kumar Sahu Aged About 29 Years R/o Kachra Chowk, Janta Colony, Guduyari, District Raipur Chhattisgarh. **---- Applicant**

**Versus**

State Of Chhattisgarh Through The Police Station Guduyari, District Raipur Chhattisgarh., **---- Non-Applicant**

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| For Applicant:           | Shri Deepak Kumar Jain, Advocate.          |
| For Non-Applicant/State: | Shri Anand Verma, Dy. Government Advocate. |

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

**06.09.2021**

1. The Applicant has preferred this application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.52/2021 registered at Police Station Gudiyari, District Raipur, C.G. for the offence punishable under Sections 304-B and 498-A/34 IPC.

2. Allegation against the present Applicant is that he along with her mother subjected the deceased Vandana Sahu to torture regarding her infertility and also demanded Rs.50,000/- 60,000/- from her maternal house for performing puja in this regard, as a result of which, she committed suicide by hanging herself leaving behind a suicide note.

3. Learned Counsel for the Applicant submits that the Applicant has no connection with the crime in question at all and has been falsely implicated in the same for which, he is in jail since 28.02.2021 and that there is no incriminating material against the Applicant, which may hold him guilty for the commission of offence punishable under Sections 304-B and 498-A/34 IPC. He further submits that the co-accused (mother of the present Applicant) has already been released on bail vide order dated 06.08.2021 passed in M.Cr.C No.2514/2021 and therefore, the present Applicant may be released on bail.

4. On the other hand, learned State Counsel opposed the bail application. However, he submits that the Applicant has no criminal antecedents against him and the charge sheet has also been filed.

5. I have heard learned Counsel for both the parties and perused the case diary.

6. Considering the facts and circumstances of the case wherein the marriage of the deceased was solemnized on 01.05.2015 and a baby boy was born out of their wedlock, looking to the nature of allegation made against the present applicant, wherein no demand of dowry was made but only some amount was given to him for opening the shop and that the suicide was committed on 29.05.2020, further taking into consideration the suicidal note, which makes it clear that there is no demand with regard to dowry, the detention period of the Applicant and that there is no likelihood of his tampering with the evidence or absconding as admitted by

both the counsel and due to COVID-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.

7. It is directed that in the event of the Applicant's executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lac) with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

- i. he 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. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- iv. he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- v. he shall not involve himself in any offence of similar nature in 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 Applicant's violating any of the aforesaid conditions.

Sd/-

Gautam Chourdiya  
JUDGE