

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5452 of 2021**

1. Smt. Sohaga Sahu W/o Gyaneshwar Sahu aged about 44 years
2. Nitish Sahu, S/o Gyaneshwar Sahu Aged about 19 years
Both R/o Aarla, Police Chowki- Surgi, P.S.- Basantpur, Tehsil/District
Rajnandgaon (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh, Through SHO, Out Post- Surgi, P.S.- Basantpur,
District Rajnandgaon (C.G.)

---- State/Non-applicant**And****M.Cr.C. No. 6484 of 2021**

1. Gyaneshwar Sahu S/o Rajju Sahu, Aged about 49 years,
2. Kailash Sahu, S/o Gyaneshwar Sahu Aged about 26 years,
Both R/o Aarla, Police Chowki-Surgi, P.S.- Basantpur, Tehsil/District
Rajnandgaon (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh, Through SHO, Out Post- Surgi, P.S.- Basantpur,
District Rajnandgaon (C.G.)

---- State/Non-applicant

For Applicants	:	Shri G.S. Ahluwalia, Advocate
For Non-Applicant/State	:	Shri Priyanshu Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****31.08.2021**

1. As both the above first bail applications under Section 439 of Cr.P.C. preferred by the applicants arise out of the same crime number i.e. 232/2021 registered in Police Station- Out Post- Surgi, Basantpur, District Rajnandgaon (CG) for the offence punishable under Section 304B/34 of IPC, they are being disposed of by this common order.
2. Case of the prosecution, in brief, is that Devika Sahu (deceased) was married to applicant Kailash Sahu prior to one year of her death and since

then she was living with her husband Kailash Sahu, father-in-law Gyaneshwar Sahu, mother-in-law Smt. Sohaga Sahu and brother-in-law Nitish Sahu. However, in the night of 12.06.2021-13.06.2021 Devika Sahu committed suicide by hanging herself at her matrimonial home. During investigation, it was revealed that the applicants used to harass the deceased over trivial household issues and in connection with demand of dowry and therefore, being fed up with this ill-treatment she committed suicide by hanging. It is also alleged that applicant Gyaneshwar after drinking liquor used to abuse the deceased.

3. After arguing for some time, learned counsel for the applicants seeks to withdraw the bail application on behalf of applicants- Gyaneshwar Sahu (father-in-law of the deceased) and Kailash Sahu (husband of the deceased) i.e. M.Cr.C. No. 6484/2021 with liberty to file a fresh application as and when occasion arises..
4. Accordingly, the bail application (M.Cr.C. No. 6484 of 2021) on behalf of applicants Gyaneshwar Sahu and Kailash Sahu is dismissed as withdrawn with the liberty as stated above.
5. Now this Court considers the bail application on behalf of applicants- Smt. Sohaga Sahu (mother-in-law of the deceased) and Nitish Sahu (brother-in-law of the deceased) i.e. M.Cr.C. No. 5452/2021.
6. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 19.06.2021 and due to Covid-19 pandemic, conclusion of the trial is likely to take some time. He also submits that there is no role attributed to the applicants (mother-in-law & brother-in-law) and no specific allegations against them that they had demanded any dowry from the deceased or the deceased was being subjected to cruelty and harassment by them. Therefore, the applicants be released on bail.
7. On the other hand, learned counsel for the State opposes the bail

application i.e. M.Cr.C. No. 5452/2021.

8. Heard learned counsel for the parties.
9. Having regard to the facts and circumstances of the case that there is no specific allegation against applicants (mother-in-law and brother-in-law of the deceased) that they were demanding any dowry from the deceased or the deceased was being subjected to cruelty and harassment by them, the age of applicants Smt. Sohaga Sahu & Nitish Sahu i.e. 44 & 19 years, the detention period of the applicants, due to Covid-19 pandemic, conclusion of the trial is likely to take some time, that there is no apprehension of the applicants tampering with the evidence or absconding and also they have no criminal antecedents as admitted by both the counsel, without expressing any opinion on merits of the case, the application i.e. M.Cr.C. No. 5452/2021 is allowed.
10. It is directed that in the event of each of the applicants namely Smt. Sohaga Sahu and Nitish Sahu 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/her 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 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 future.
11. 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 involving themselves in similar nature of offence.

12. In the result, M.Cr.C. No. 5452 of 2021 is allowed on the above terms and conditions, whereas M.Cr.C. No. 6484 of 2021 is dismissed as withdrawn as liberty prayed for.

Sd/-
(Gautam Chourdiya)
Judge

vatti