

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5556 of 2021**

1. Dhaniram Sahu, S/o Late Gangaram Sahu, Aged About 55 Years
2. Smt. Yashoda Sahu, W/o Dhaniram Sahu, Aged About 50 Years

All R/o - Village - Mutera Nawagaon, Police Station Khairagarh,
District Rajnandgaon Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh, Through The Station House Officer, Police
Station - Khairagarh, District - Rajnandgaon Chhattisgarh.

---- Non-Applicant

For Applicants	: Mr. Shivendu Pandya, Advocate
For Non-Applicant/State	: Mr. Gurudev I Sharan, Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****26.10.2021**

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who are in custody since 08.06.2021 in connection with Crime No. 195 of 2021, registered at Police Station Khairagarh, District Rajnandgaon (C.G.) for the offence punishable under Sections 304(B)/34 of Indian Penal Code.
- 2) Case of the prosecution is that, son of applicants by name Rajesh got married with deceased Rukhmani on 27.04.2021. She committed suicide by hanging herself in her room at about 6.30 AM on 02.06.2021. The merg was intimated by Rajesh to

concerned Police Station, thereafter, father of deceased lodged typed report to concerned Police Station making allegations against the present applicants and Rajesh, (husband of deceased) that they were ill-treating and harassing the deceased on account of demand of dowry, articles given in dowry are of inferior quality. When deceased after her marriage visited her parents house for the first time she narrated the incident, upon which, parents of deceased along with other members of village visited house of applicant and advised Rajesh to keep deceased properly in his house and thereafter returned back. After some time, similar complaint was made by the deceased to her parents and therefore, village meeting was also convened, but act of harassment continued, due to which his daughter committed suicide. Based on the written complaint, aforementioned offence has been registered against the applicants and other co-accused person.

- 3) Mr. Shivendu Pandya, learned counsel for the applicants would submit that applicants are father-in-law and mother-in-law of deceased. They have performed marriage of their son on 27.04.2021, within less than two months of the marriage, deceased committed suicide in her room on 02.06.2021. He contended that Rajesh along with her wife was residing separately. It is the deceased who could not able to adjust herself in her matrimonial house and was quarreling with her husband Rajesh on trivial issues with regard to her demand of outing and visiting places. Applicants are in jail since 08.06.2021 and allegations levelled against the applicants are general and

omnibus, hence, they may be enlarged on bail.

- 4) On the other hand, Mr. Gurudev I. Sharan, Govt. Advocate opposing the submissions made by learned counsel for the applicants would submit that in the written report, serious allegations of ill-treatment, harassment and quarrel with deceased on account of demand of dowry are levelled against the applicants.
- 5) On putting specific query with regard to other evidence or material available in the case diary of convening meeting, learned State counsel read over the statement of Up-Sarpanch, by name, Awadh Verma recorded under Section 161 of Cr.P.C., who is said to be resident of village of complainant.
- 6) I have heard learned counsel for the parties.
- 7) Taking into consideration the facts and circumstances of the case, nature of allegations, period of marriage of Rajesh (son of applicants) with the deceased of less than 1½ months, statement of independent witness Awadh Verma, Up-Sarpanch of Nawagaon wherein nature of dispute as appearing in his statement are with regard to adjustment of deceased with her husband Rajesh and her expectations from him, pretrial detention of the applicants, without commenting anything on the merits of the case, I am inclined to release the applicants on regular bail.
- 8) Accordingly, the application is allowed and it is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five

Thousand only) each with one surety in the like sum to the satisfaction of the trial Court concerned on the conditions that :

- a) They shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
- b) They 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

Yogesh