

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1069 of 2021**

1. Shobharam Sahu S/o Late Keshavram Sahu Aged About 58 Years
2. Awadhram Sahu S/o Late Keshavram Sahu Aged About 54 Years
3. Lakhanlal Sahu S/o Shri Shobharam Sahu Aged About 32 Years

All are R/o Village- Gobarsingha, Police Station and Tahsil- Baramkela, District- Raigarh, Chhattisgarh

**---- Applicants****Versus**

State of Chhattisgarh through the District Magistrate, Raigarh, District Raigarh, through the Office In-Charge of Police Station- Baramkela, District- Raigarh, Chhattisgarh

**---- Non-applicant**

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|--------------------------|------------------------------------|
| For Applicants           | : Shri Roop Naik, Advocate         |
| For Non-applicant/State  | : Shri Vaibhav Singh, Panel Lawyer |
| For Complainant/Objector | : Shri Pawan Kesharwani, Advocate  |

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**Hon'ble Shri Justice Parth Prateem Sahu****Order on Board****07.09.2021**

1. The applicants have preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as they are apprehending their arrest in connection with Crime No.243 of 2021, registered at Police Station Baramkela, District Raigarh (C.G.), for offence punishable under Section 306/34 of Indian Penal Code.
2. Case of the prosecution in brief, is that, on 11.07.2021, deceased Agni Bai Sahu consumed poison. When Udayram husband of Agni Bai Sahu returned home from his field, he saw his wife

vomiting and some smell of insecticide is coming from her mouth, she was immediately taken to hospital where during the course of treatment, she died. Merg was intimated to concerned Police Station. Based upon investigation, First Information Report was registered against the present applicants and one co-accused, by name, Sheela Sahu.

3. Shri Roop Naik, learned counsel for the applicants would submit that during the lifetime of father-in-law, some property has been given to his sons as their share. The allegation is that applicants were intervening and quarreling upon the land, which was given in share to husband of deceased i.e. Udayram in family settlement. On the date of incident, quarrel took place because the applicants have sown the land fallen in share of Udayram and only thereafter, she consumed poison. He further submits that even after considering the entire allegations as appearing against the applicants in First Information Report, no offence under Section 306 of IPC could be made out as there is no allegation of abatement to commit suicide. It is contended that where family is big, ordinarily there is some property dispute between the family members and that could not be a ground to commit suicide.
4. Per contra, Shri Vaibhav Singh, learned Panel Lawyer representing the State opposing the submissions made by learned counsel for the applicant, would submit that Ghurau Sahu in his evidence has stated that applicants on account of property dispute, quarreled with the deceased on number of occasions, she was abused and harassed. He further submits that at the time

of quarrel as stated by other villagers on 11.07.2021, husband of deceased was not present and deceased was alone in her house. When Udayram husband of deceased returned from agricultural field, he saw his wife vomiting and she was immediately taken to the hospital. It is contended that as per statement of independent witnesses, applicants have committed offence as alleged against them., hence, they are not entitled for grant of anticipatory bail.

5. Shri Pawan Kesharwani, learned counsel for the complainant/objector has adopted the submissions made by learned counsel for the State and submits that matter is under investigation and complainant is suspecting that it is not suicide, but is a murder.
6. I have heard learned counsel for the parties.
7. Taking into consideration entire facts and circumstances of the case, nature of allegations made against the applicants by husband of deceased and evidence of Ghurau Sahu that there was some property dispute between the complainant Udayram and his brothers, which was cause of some dispute, without commenting anything into the merits of the case, I am inclined to release the applicants on anticipatory bail.
8. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on anticipatory bail on their furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one surety in the like sum

to the satisfaction of the arresting officer and they shall be abide by the following conditions :-

- (i) they shall make themselves available for interrogation by a police officer as and when required;
- (ii) 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 them from disclosing such facts to the Court or to any police officer.
- (iii) they shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-  
**(Parth Prateem Sahu)**  
**Judge**