

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8996 of 2020**

1. Shiv Kumar s/o. Chhangur Ram Chouhan Aged About 40 Years R/o Khasra No. 3/166, Hari Nagar, Ward No. 59, Katulbod, Tahsil And District Durg (Chhattisgarh), District : Durg, Chhattisgarh
2. Smt. Sarita Chouhan w/o Shiv Kumar Aged About 27 Years R/o Khasra No. 3/166, Hari Nagar, Ward No. 59, Katulbod, Tahsil And District Durg (Chhattisgarh), District : Durg, Chhattisgarh

---- Applicants**Versus**

- State of Chhattisgarh through the Station House Officer, Police Station Supela (Police Chowk Smritinagar), District Durg (Chhattisgarh).

---- Non-Applicant

For Applicants	:	Mr. Shikhar Sharma, Advocate.
For State	:	Dr. (Ms) Veena Nair, Dy. Advocate General
For Objector	:	Mr. Rahul Tamaskar, Advocate.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****21-01-2021**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as they are in jail since 13-11-2020 in connection with Crime No. 777 of 2020 registered at Police Station Supela (Police Chowk Smritinagar), District Durg (CG) for the offence punishable under Section 306/34 of IPC.
2. The case of the prosecution, in brief, is that the deceased Shashi Kala Chouhan got married in the year 2008 with Ashok Kumar Chouhan who is elder brother of applicant No.1 and brother-in-

law (Devar) of applicant No.2. The allegation against the present applicants is that they along with all other in-laws of the deceased including her husband used to harass and beat the deceased for demand of dowry as a result of which she committed suicide by hanging and thereby the aforesaid offence has been committed.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. He further submits that present applicants were separately residing in the rented accommodation whereas the deceased was living with her husband Ashok Chouhan at a different place. There is no allegation made prior to the date of incident. FIR was lodged by the deceased on 16-10-2020 against three persons i.e. her husband, father-in-law and mother-in-law and in the said FIR there is no allegation against the present applicants and even their names are not mentioned therein. It is further submitted that one complaint is also made before the Chief Judicial Magistrate, Balia (UP) by the deceased vide Annexure A/4 and learned Chief Judicial Magistrate Balia (UP) registered the case against Ashok Kumar Chouhan, Chhangur Ram Chouhan and Sushila Devi for offence punishable under Sections 498-A, 323, 504 and 506 of IPC and Sections 3 & 4 of Dowry Prohibition Act and the Court did not find any ground against the applicants to issue summons against them. He would further submit that there is no overt-act alleged against the present applicants and there is no evidence of their involvement. He would further submit that the charge-

sheet has been filed, present applicants are in jail since 13-11-2020, therefore they may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that as per Whats-app messages sent by the family members of in-laws of the deceased, present applicants do not deserve to be released on bail.
5. Learned Counsel for the objector opposing the bail application would submit that if the bail is granted to the present applicants, they may misuse the liberty and influence the witnesses, therefore, they are not entitled to be released on bail.
6. I have heard learned counsel for the parties and perused the record.
7. Considering the facts and circumstances of the case, particularly the fact that the deceased and both the present applicants were living separately and in FIR lodged by the deceased on 16-10-2020 names of the present applicants were not mentioned and no specific allegations were made against them, as per postmortem report, no external injury was found on the body of the deceased and as per complaint made before the Chief Judicial Magistrate, Balia (UP), no offence is registered against the present applicants and further considering the detention period of the applicants, conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicants.

8. Accordingly, the application is allowed and it is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court. They shall appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicants are being granted 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 them 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 not involve themselves in any offence of similar nature in future.

Sd/-

(Gautam Chourdiya)

Judge

Raju