

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8697 of 2021**

1. Baldu Sahu, S/o Late Dhan Singh Sahu Aged About 42 Years
2. Rajkumar Sahu, S/o Baldu Sahu, Aged About 19 Years

Both R/o Village Dhara, Police Station Bemetara, Tahsil And District Bemetara Chhattisgarh

---- Applicants

Versus

- The State Of Chhattisgarh, Through - Station House Officer Police Station Sargaon, District Mungeli Chhattisgarh

---- Respondent

For Applicants :- Mr. Rajkumar Pali, Advocate
For Respondent-State :- Mr. Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Deepak Kumar Tiwari
Order On Board

16/12/2021

1. The applicants have preferred this bail application under Section 439 of the Cr.P.C. for grant of regular bail as they are arrested in connection with crime No.727/2021 registered in Police Station Bemetara, District Bemetara C.G. for the offence punishable under Sections 305, 34 of the I.P.C.
2. Case of the prosecution, in brief, is that father of the deceased lodged a merged intimation stating that on 15.9.2021 his minor daughter consumed poison and during her treatment she died in the hospital. During investigation it was revealed that on account of threatening by the applicants she committed suicide by consuming poison.

3. Learned counsel for the applicants submit that the applicants are innocent and have been falsely implicated. He would further submit that deceased was having a love affair with applicant No.2 and wanted to perform marriage after attaining majority but she died only on harassment by the family members because her parents were not ready for her marriage with applicant No.2. There is no dying declaration recorded by the Police or the treating Doctor when she was admitted in the hospital and it clearly shows that applicants have not threatened or harassed the deceased, therefore, the applicants may be released on bail.
4. *Per contra*, learned State counsel would oppose the prayer for grant of bail.
5. Considering the facts and circumstances of the case as also for the fact that applicants are in jail since 17.10.2021 and the matter of abetment is seriously disputed, this Court is inclined to release the applicants on bail.
6. Accordingly, the application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond for a sum of Rs.5,000/- with one surety for the like amount to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

Certified copy as per rules.

SD/-
(Deepak Kumar Tiwari)
Judge