

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9129 of 2021**

- Khileshwari W/o Puran Lal Sahu Aged About 45 Years R/o Village Sorla, Police Station Berla, District Bemetara Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Berla, District Bemetara Chhattisgarh.

---- Respondent

MCRC No. 9643 of 2021

1. Pawan Sahu S/o Puran Sahu Aged About 26 Years
2. Puran son of Baratiram Sahu aged about 52 years

Both R/o Village Sorla, Police Station Berla, District Bemetara Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Berla, District Bemetara Chhattisgarh.

---- Respondent

For Applicants	:-	Mr. Vivek Singhal, Advocate
For Respondent-State	:-	Mr. Afroj Khan, PL

Hon'ble Shri Justice Deepak Kumar Tiwari
Order On Board

17/12/2021

1. Since both the bail applications are arising out of same crime number they are being heard and decided by this common order.

2. The applicants have preferred these bail applications under Section 439 of the Cr.P.C. for grant of regular bail as they are arrested in connection with crime No.299/2021 registered in Police Station Berla, District Bemetara C.G. for the offence punishable under Sections 498-A, 306, 304-B, 34 of the I.P.C. and Sections 4 & 5 of the Chhattisgarh Tonahi Pratadhana Nivaran Adhiniyam, 2005.
3. Case of the prosecution, in brief, is that marriage of deceased Hemkumari Sahu was solemnized on 13.6.2020 with son of applicants Khileshwari and Puran namely; Pawan Sahu. After two months of marriage, the applicant along with his parents harassed the deceased physically and mentally resultantly she committed suicide by consuming poison and died on 17.8.2021.
4. Learned counsel for the applicant submits that the applicants are innocent person and have been falsely implicated. He would further submit that neither suicide note was recovered nor dying declaration was recorded. The victim was hospitalized at Prathmik Swasthya Kendra, Bemetara then SRS hospital and Upadhyay hospital from the date of incident i.e. 05.8.2021 and died on 17.8.2021. The FIR was registered on 16.8.2021 by brother of the deceased namely; Vijay Kumar Sahu. The applicants are in jail since 27.8.2021 as also the charge-sheet has already been filed and the conclusion of trial may take sometime, therefore, the applicants may be enlarged on bail.
5. *Per contra*, learned State counsel would oppose the prayer for grant of bail.
6. Considering the facts and circumstances of the case, also considering the statement of brother of deceased Vijay Kumar Sahu; deceased did

not disclose the reason behind her suicide to his brother until 12.8.2021 as she was admitted in the hospital from 05.8.2021 and the Police has not recorded any statement of the deceased, therefore, without commenting on merits, this Court is inclined to release the applicants on bail.

7. Accordingly, the applications are allowed and the applicants are directed to be released on bail on each of them executing a personal bond for a sum of Rs.10,000/- 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

Ayushi