

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.2852 of 2015**

Shivkali Sahu, aged about 36 years, wife of Netram, resident of Juna Bilaspur, in front of Manohar Hotel, Police Station-City Kotwali, Bilaspur, District Bilaspur (CG)

---Applicant

Versus

State of Chhattisgarh Through: Station House Officer, Police Station-City Kotwali, Bilaspur, District-Bilaspur (CG)

---Non-applicant

For Applicant	:	Mr. Roshan Dubey, Advocate
For Non-applicant	:	Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****05/08/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.110/2015, registered at Police Station-City Kotwali, District-Bilaspur (C.G.), for the offence punishable under Section 306/34 of the IPC.

2. Case of the prosecution, in brief, is that the applicant and one Manisha Manikpuri have taken the loan from co-accused Subodh Saraf @ Banti, in which deceased Indu Kesharwani stood as guarantor, the applicant and co-accused failed to make repayment of loan and thereafter co-accused Subodh Saraf @ Banti along with Raju Khatik started harassing the deceased and instigated her to commit suicide on 22.5.2015.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case as the

allegation and contents of the suicidal note do not make out essential ingredient of the commission of offence of abetment as defined under Section 107 of the IPC and there is no allegation to show that in order to recover the money the present applicant subjected the deceased to commit suicide. He would further submit that co-accused Subodh Saraf @ Bunty has already been granted bail in M.Cr.C.(A) No.567 of 2015 vide order dated 16.7.2015.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant in offence in question and his pre-trial detention with effect from 29.5.2015, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-

