

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3812 of 2015

1. Kamlesh Kumar, aged about 26 years, S/o Netram, By Caste Gond, By Occupation Agriculturist,
2. Gotamlal @ Uttam, aged about 23 years, S/o Netram, By Caste Gond, By Occupation Agriculturist,

Both R/o Village Navagaon, Thana Baghnadi, Tahsil Dongargarh, District Rajnandgaon

---- Applicants

Versus

The State of Chhattisgarh, through Police Station Baghnadi, District Rajnandgaon

---- Non-applicant

For Applicants:	Mr. Parag Kotecha, Advocate.
For Non-applicant:	Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

10/08/2015

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.21/2015 (ST No.4/2015 pending in the Court of Additional Sessions Judge, Dongargarh), registered at Police Station Baghnadi, Distt. Rajnandgaon for the offence punishable under Sections 306 and 498A read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that the applicants are alleged to have instigated Uma Bai, wife of applicant No.1, to commit suicide by which she committed suicide on 31-10-2014.
3. Learned counsel for the applicants submits that the applicants have not committed any offence, they have been falsely implicated in the case and they are in custody since 23-5-2015. FIR has been lodged as late as on 22-5-2015. There is no evidence to connect the applicants with the crime in

question as such they are in jail for a very long time. Charge-sheet has been filed and no useful purpose will be served by keeping the applicants in jail.

4. On the other hand, learned State counsel referring to the statement of Smt. Sagni Bai, *mitanin* of the village, opposes the bail application and submits that even after the birth of a daughter, the applicants did not care either for mother i.e. deceased Uma Bai or her daughter by which her daughter died and out of frustration and humiliation, the deceased committed suicide.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case and looking to the statement of Smt. Sagni Bai, *mitanin* of the village, I am not inclined to grant regular bail to applicant No.1 Kamlesh Kumar. The application so far as it relates to applicant No.1 Kamlesh Kumar is, therefore, rejected.
7. Considering the nature and gravity of offence, the fact that there is no specific allegation against applicant No.2 Gotamlal @ Uttam, who is brother of applicant No.1 and brother-in-law of the deceased, allegation against him and the role attributed to him, I am of the view that it is a fit case to grant regular bail to applicant No.2 Gotamlal @ Uttam. Accordingly, the application so far as it relates to applicant No.2 Gotamlal @ Uttam, is allowed.
8. It is, therefore, directed that applicant No.2 Gotamlal @ Uttam be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge