

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3644 OF 2015**

Ishwar Sahu aged about 29 years, S/o Yashram Sahu, R/o Village Parsada,
Joshi, Police Station Rajim, District Gariyaband (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station Rajim,
District Gariyaband Raipur (C.G.)

---Non-applicant

For Applicant	:	Mr. K.K. Dewangan, Advocate
For Non-applicant	:	Mr. S.R.J. Jaiswal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****04/08/2015**

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. 87/2015, registered at Police Station Rajim, District Gariyaband (C.G.), for the offence punishable under Section 306 of Indian Penal Code.

2. Case of the prosecution, in brief, is that deceased -Santosh Kumar Sahu is said to have committed suicide on account of instigation/abatement extended by the present applicant.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that the allegation as stated by the prosecution will not make out an offence under Section 306 of the I.P.C. He would lastly submit that charge sheet has been filed and applicant is in jail

since 05/05/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that it is the applicant, who threatened him of the dire consequence, by which, he committed suicide.

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; charge sheet has been filed, pretrial detention of the applicant and also considering the extent of nexus and proximity between conduct and behavior of the accused with the suicide committed by the deceased, 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 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 trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE