

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3802 of 2015

Prakash Sahu, S/o Sunder Lal Sahu, aged about 43 years, R/o House No.169, Sunder Nagar, Bhilai, Police Station Supela, Tahsil and District Durg, C.G. Permanent Address: Village Mokhala, Police Station Lalbagh, District Rajnandgaon, C.G.

---- Applicant

Versus

State of Chhattisgarh, Through District Magistrate, Durg, District Durg C.G.

---- Non-applicant

For Applicant:	Mr. N.S. Dhurandhar, Advocate.
For Non-applicant:	Mr. Qamrul Aziz, Panel Lawyer.
For Objector:	Mr. Arvind Kumar Dubey, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

CAV Order

14/08/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.52/2015 (Criminal Case No.4323/2015 pending in the Court of Chief Judicial Magistrate, Durg), registered at Police Station Supela, Distt. Durg for the offence punishable under Section 306 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that on 10-9-2014, the present applicant and one co-accused instigated / abetted deceased Satyabhama, wife of the applicant, to commit suicide by poisoning.
3. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated in the case and he is in custody since 14-5-2015. He further submits that there is no evidence to connect the present applicant with the offence in question which is apparent from the statement of Deepesh Kumar, aged about 13 years. Charge-sheet has been filed and no useful purpose will be served by keeping the applicant

in jail. He also submits that FIR has been lodged after four months of the incident.

4. On the other hand, learned State counsel and learned counsel for the objector relying upon the statement of brother of the deceased namely Palakram Sahu oppose the bail application and submit that the applicant has illicit relation with a woman and he used to doubt the character of the deceased and out of frustration and humiliation, the deceased committed suicide. They further submit that the applicant assaulted the deceased as there is injury on her head which is apparent from the panchnama prepared by police as such, the application deserves to be rejected.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, statements of Sushma Sahu – sister of the deceased and Palakram Sahu – brother of the deceased and considering proximity and nexus between the conduct and behaviour of the applicant with the suicide committed by the deceased, I do not consider it a fit case for grant of bail to the applicant. The application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge