

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4799 of 2015**

Rajendra Kumar S/o Genduram @ Janakram Markande (Satnami), aged about – 34 years, Occupation-Shopkeeper & Labor, R/o Village-Sambalpur, Police Station – Nandghat, Civil and Revenue District – Bemetara (CG)

---Applicant**Versus**

State of Chhattisgarh, Through: Police Station-Nandghat, District-Bemetara (CG)

---Non-applicant

For Applicant	:	Mr. Vaibhav Goverdhan, Advocate
For Non-applicant	:	Mr. Anil S. Pandey, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****14/09/2015**

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.190/2015, registered at Police Station-Nandghat, District-Bemetara (C.G.), for the offence punishable under Sections 498A and 306 of the IPC.
2. Case of the prosecution, in brief, is that on account of abetment and instigation extended by the present applicant, his wife Manju committed suicide on 18.5.2015 by burning.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that marriage of Manju was solemnized with the applicant 15 years prior to the date of incident and only allegation against the present applicant is that he has illicit relation with a woman and kept that woman for two months one year prior to the date of commission of suicide and

therefore, it cannot be held that he is guilty for offence under Section 306 of the IPC. He would further submit that the applicant is in jail since 29.5.2015 and charge-sheet has already been filed and therefore, he may be released on bail.

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; nature of allegation; nexus and proximity between conduct and behaviour of the present applicant with suicide committed by the deceased and his pre-trial detention, this Court is of the opinion that present is a 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

B/-