

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 5101 OF 2015**

Hemlal Yadav, S/o Sitaram Yadav, aged about 60 years, R/o Village Dhawalpur, Post Office & Police Station Mainpur, District Gariyaband (C.G.)

---Applicant**Versus**

State of Chhattisgarh through the Station House Officer, Police Station Mainpur, District Gariyaband (C.G.)

---Non-applicant

For Applicant	:	Mr. Shivendu Pandya, Advocate
For Non-applicant	:	Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****29/09/2015**

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. 70/2015, registered at Police Station Mainpur, District Gariyaband (C.G.), for the offence punishable under Section 306/498 (A) of I.P.C.

2. Case of the prosecution, in brief, is that on 29/05/2015 on account of abatement/instigation extended by the present applicant his daughter-in-law Lata Yadav committed suicide.

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 applicant is father-in-law of the deceased Lata Yadav residing with the deceased and her husband in a separate house and there is no instigation/abatement by the present

applicant. He would further submit that charge sheet has been filed and applicant is in jail since 03/07/2015 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; the extent of nexus and proximity between conduct and behavior of the accused with the suicide committed by the deceased; charge sheet has been filed and applicant is in jail since 03/07/2015, 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 trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE