

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5085 of 2015

Ghanshyam Sahu, S/o Shri Pihalal Sahu, aged about 22 years, R/o Village
Bhathli Khurd, PS Jarhagaon, District Mungeli (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Jarhagaon, District Mungeli
(C.G.)

---- Non-applicant

For Applicant:	Mr. Dheerendra Pandey, Advocate.
For Non-applicant:	Mr. Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

23/09/2015

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.81/2015, registered at Police Station Jarhagaon, Distt. Mungeli, for the offence punishable under Sections 498A and 306 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that on 30-4-2015, deceased Narbadiya Bai committed suicide on account of abetment / cruelty meted out to her by the applicants and they have also treated her with cruelty and thereby committed the aforesaid offences.
3. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated in the crime and he is in jail since 26-5-2015. Theory of illicit relationship of the applicant with Rekha Sahu is false and fabricated and charge-sheet has been filed.
4. On the other hand, learned State counsel opposes the application and submits that the applicant had illicit relationship with Rekha Sahu, the

deceased had seen them in compromising position and since then the applicant and other co-accused started harassing her and out of humiliation and frustration, she committed suicide and, therefore, the present applicant is not entitled to be released on bail, as his case is distinguishable from the case of Rekha Sahu and Pihalal who have been granted regular bail by this Court vide order dated 17-8-2015 passed in M.Cr.C.No.3997/2015.

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, considering the extent of proximity and nexus between the conduct and behaviour of the accused with the suicide committed by the deceased and his case being distinguishable from the case of Rekha Sahu & Pihalal, I am not inclined to grant regular bail to the applicant. Consequently, the application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge