

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5491 of 2015**

Pradeep Kumar Tiwari, S/o Late Chandrama Tiwari, Aged about 38 Years, Ward Boy, PHC, Nandghat, District Bemetara (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Officer, Police Station Bhatapara City, District Balodabazar-Bhatapara (C.G.)

- Non-applicant

For Applicant: Mr. Varun Sharma, Advocate.
For Respondent/State: Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

12/10/2015

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.225/2015 registered at Police Station Bhatapara City for the offences punishable under Section 306 of the Indian Code.

(2) Case of the prosecution, in brief, is that on account of instigation/abatement extended by present applicant, his wife -Vandana Tiwari has committed suicide on 1.8.2015 and, thereby, committed the aforesaid offences.

(3) Counsel for the applicant submits that applicant has been falsely implicated in the offence in question and he has not committed any offence as she appears to have committed suicide

on account of some pity domestic dispute between them and, as such, the applicant is in jail since 28.08.2015 and in the dying declaration she has clearly stated that applicant is not guilty of her commission of suicide and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts and circumstances of the case, and further considering the extent of proximity and nexus between the conduct and behaviour of accused with suicide committed by the deceased; further considering the fact that applicant is in jail since 28.08.2015 and no custodial interrogation is required, this Court is of the opinion that it is a fit case to release the applicant on bail. Accordingly, the application is allowed; this Court is of the opinion that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

