

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 220 of 2016**

Jai Kumar Sarthi, S/o. Bahadur Sarthi, aged about 30 years, R/o. Uraonpara, Gharghoda, District Raigarh (C.G.)

**---- Applicant**

**Versus**

State of Chhattisgarh, Through:- Station House Officer, Police Station Gharghoda (wrongly mentioned as Tamnar in the order) District Raigarh (C.G.)

**---- Respondent**

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For Applicant : Mr. Ashish Gupta, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**27/01/2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 297/2015, registered at Police Station– Gharghoda, District – Raigarh (C.G.) for the offence punishable under Sections 306/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 10.11.2015, the deceased Savitri Bai aged about 70 years committed suicide, earlier to that the deceased was subjected to sexually assault under section 377 of IPC by the applicant for which a crime was registered bearing case No. 250/2015. Subsequently, because of earlier incident happened the prosecutrix committed suicide. Thereby, the offence is committed.
3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that even the son

of the deceased had supported the case for grant of bail and the applicant is in jail since 07.10.2015, therefore, he may be enlarged on bail.

4. Per contra State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the deceased. Perusal of the case diary and the statement of the deceased shows that earlier the crime no. 250/2015 was registered against the applicant and the charge sheet also contains the dying declaration alongwith statement of the deceased earlier recorded under section 161 of Cr.P.C. on 07.09.2015. Considering the fact that the allegations have been attributed to this applicant and taking the back ground of the case and the way of offence has been committed by the applicant, I am not inclined to allow this bail application.
6. Accordingly, the bail application is dismissed.

Sd/-

**(Goutam Bhaduri)**  
Judge