

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 841 of 2016**

Shrawan Kumar, son of Lavkumar Yadav, aged about 31 years, resident of Village Ghoghadih, Police Station Kota, Civil & Revenue District Bilaspur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh: Through : Station House Officer, Police Station Kota, District Bilaspur (C.G.)

-----Non-applicant

For Applicant: Mr. Sunil Otwani, Advocate.
For Non-Applicant/State: Mr. Neeraj Kumar Sharma, Dy. GA.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****02/03/2016**

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. 333/2015 registered at Police Station Kota, Distt. Bilaspur for the offence punishable under Section 306 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that marriage of deceased – Shanti Bai was solemnized with the applicant prior to 12 years prior to the date of lodging of FIR i.e. on 28.08.2015 and immediately after marriage applicant started harassing her and treated her with cruelty in connection with demand of dowry and out of humiliation and frustration, she committed suicide by setting herself ablaze on 2.9.2015.

(3) Counsel for the applicant submits that applicant has been falsely implicated in the offence in question as he has not committed any offence. He further submits that that applicant has three children from the deceased but whose statements have not been recorded to establish the harassment and marriage committed by the applicant. He also submits that FIR is delayed by one month; applicant is in jail since 28.09.2015 and the charge sheet has already been filed 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 & circumstances of the case; extent of delay in lodging the FIR; considering his pre trial detention and the charge sheet has already been filed; and no custodial interrogation is required; this court is of the view 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 to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-

