

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1874 of 2016

Gopi Bharti, age 28 years, S/o Shri Budhram Bharti, R/o Village Jounda, Post and Tahsil Gobra Nawapara, P.S. Gobra Nawapara, District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through P.S. Gobra Nawapara, District Raipur (C.G.)

---- Non-applicant

For Applicant:	Mr. Jitendra Nath Nande, Advocate.
For Non-applicant:	Mr. Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

21/04/2016

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.183/2015, registered at Police Station Gobra Nawapara, Distt. Raipur, for the offence punishable under Section 306 of the IPC.
2. Case of the prosecution, in brief, is that on account of abetment and instigation made by the present applicant, his wife namely Yashoda, whom the applicant married three years prior to the date of offence i.e. 28-4-2015, committed suicide by pouring kerosene oil and set fire on her, and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, the deceased was mental patient and was undergoing treatment and on account of such, she committed suicide. There is

no evidence of cruelty extended by the applicant. The applicant was residing separately with the deceased and on the basis of statements of father-in-law and mother-in-law of the applicant, FIR has been registered on 24-8-2015 and the applicant has been arrested on 26-8-2015. Charge-sheet has been filed.

4. On the other hand, learned State counsel opposes the application.
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, role of the applicant, extent of nexus and proximity between conduct and behaviour of the applicant with that of the suicide committed by the deceased and charge-sheet has been filed, I consider it a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge