

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1786 of 2016

Manohar Panse, S/o Shri Mahesh Panse, aged about 20 years, R/o Ward No.14, Tilda, Police Station Newra, Civil and Revenue District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police of Police Station Newra, District Raipur (C.G.)

---- Non-applicant

For Applicant:	Mr. Anil Gulati, Advocate.
For Non-applicant:	Mr. Neeraj Kumar Sharma, Deputy Govt. Adv.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

05/04/2016

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.8/2016, registered at Police Station Newra, Distt. Raipur, for the offence punishable under Sections 498A and 306 of the IPC.
2. Case of the prosecution, in brief, is that marriage of deceased Sheetal Panse was solemnized with the applicant one year prior to the date of committing suicide by the deceased i.e. 1-7-2015. On account of harassment and cruelty extended by the applicant, she committed suicide by burning herself on 1-7-2015.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, no offence under Section 306 of the IPC is made out against the applicant and there is no instigation on the part of the applicant

for committing suicide by the deceased. The ingredients of the offence alleged against the applicant are not available. The applicant is in jail since 5-1-2016 and therefore, he be released on bail. Learned counsel relied upon the judgment of the Supreme Court in the matter of **Sanju @ Sanjay Singh Sengar v. State of M.P.**¹

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, commission of suicide by the deceased within one year from the date of marriage and the attendant evidence available immediately prior to the date of suicide, I am of the view that it is not a fit case to enlarge the applicant on regular bail. The application is, therefore, rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma

1 (2002) 5 SCC 371