

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2511 of 2016

Rajunath Singh @ Raju Paikra S/o Rambharosh Singh Aged About 30 Years
R/o Chiranga, P.S. Batouli, District Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O. Rajpur, District Balrampur
Ramanujganj, chhattisgarh.

---- Non-applicant

Applicant by Mr. Sunil Tripathi, Advocate.

Non-applicant by Mr. Anil Pandey, Govt. Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

1-6-2016

Heard.

The applicant has been arrested on 21-2-2016 in connection with Crime No. 32/2016 registered in PS Rajpur, Distt. Balrampur, Ramanujganj for offence punishable under Section 306 of the Indian Penal Code.

Case of the prosecution is that in the year 2013, applicant left his wife i.e. deceased and took away his minor daughter with him. Because of this separation, the deceased was highly agitated and agonized and due to that, she committed suicide.

Learned counsel for the applicant submits that even if the entire case of the prosecution is taken on face value as it is, no offence as defined under Section 306, IPC is made out against the applicant. It is submitted that the applicant is in jail since 21-2-2016, investigation is complete and charge sheet has already been filed. He is not likely to abscond or temper with the prosecution witnesses. It is submitted that the applicant has a small daughter to maintain.

On the other hand, learned counsel for the State opposes the prayer for grant of bail and submits that act of the applicant in leaving his wife and taking away minor daughter amounts to torture and therefore, it would be an abetment within the meaning of Section 107 of the IPC

Considering the submission, particular taking into consideration that there are no specific allegations of any kind of interaction between the applicant and the deceased after they separated in the year 2013 and further taking into

consideration that investigation is complete and charge sheet has already been filed, the application is allowed.

It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the concerned trial court for his appearance as and when directed.

Sd/-

Manindra Mohan Shrivastava

Vacation Judge