

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3026 of 2016

- Suresh Baiga S/o Ramsipahi Baiga Aged About 37 Years R/o Ganjiya, Police Station Jaisingh Nagar, District Shahdol, Presently R/o At Janakpur, District Korea Chhattisgarh. (As Per Charge Sheet). **--- Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Of Police Station Janakpur, District Korea Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Anil Gulati, Advocate
For the Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 91/2015 registered at P.S. Janakpur, District Korea (C.G) for the offence punishable under Section 498-A & 306 of IPC.
2. As per the prosecution case, deceased Premwati was married to applicant prior to 5-6 years of the incident. The allegation is that she was subjected to torture by the applicant husband on account of which she committed suicide by setting herself ablaze.
3. Learned counsel for the applicant submits that the wife was suspecting the fidelity of the husband as the charges were clamped against the applicant that he developed relations with some other relative girl namely Babli and as such the dispute arose between the applicant and deceased wife and due to abetment caused by the applicant, the wife

committed suicide . He further submits that perusal of statement of the child witness who was present during such incident would show that the applicant has not committed any overt act nor he has abetted the incident and a dispute arose between the applicant and deceased wife on account of his relations with another girl, as such she committed suicide It is further submitted that the charge sheet has been filed and the applicant is in jail since 19.12.2015, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of the child witness as also other witnesses.
6. Considering the totality of the facts and circumstances of the case and taking into degree of allegations levelled against the applicant as also fact that charge sheet in this case has been filed and further looking to the period of detention of applicant as he is stated to be in jail since 19.12.2015, I am inclined to release the applicant on bail.
7. Accordingly, the bail applications are allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE