

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4023 of 2016

- Ashok Rathiya S/O Rajau Ram Rathiya Aged About 24 Years R/O Bichhinara, Tahsil Gharghoda, District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Police Station Bhupdevpur, District Raigarh Chhattisgarh

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mr. Satish Gupta, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 31-5-2016 in connection with Crime No. 70 of 2016, registered at Police Station Bhupdevpur, District Raigarh (CG) for the offence punishable under Section 306 of the IPC.
2. As per prosecution case, while date of the marriage of deceased Bhumika @ Lata Rathiya was fixed, she consumed poison on 8-5-2016 and virtually she died on 18-5-2016. It is alleged that the applicant abetted the deceased to commit suicide as he pressurized her to perform marriage with him as he was in love relation with her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the reading of the statements of the entire witnesses would not make out a case and it cannot be said that the applicant abetted the deceased to commit suicide. He would further submit that the

applicant has been falsely implicated in this case, charge-sheet has been filed in this case, he is in jail since 31-5-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of the witnesses.
7. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the statements of the witnesses, charge-sheet has been filed and the applicant is in jail since 31-5-2016, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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 surety in the like sum to the satisfaction of the concerned trial Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju