

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1888 of 2016

- Ram Gond S/o Krishna Gond Aged About 24 Years R/o Village Amdhipara, P.S. Rajpur, Distt. Balrampur - Ramanujganj Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Rajpur, Distt. Balrampur - Ramanujganj Chhattisgarh

---- Respondent

For Applicant : Mr. Jitendra Shrivastava, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06-09-2016

1. At the outset, Mr. Anupam Dubey, Dy.G.A, prays for time on the ground that Mr. Neeraj Jain, Govt. Advocate has not come so far to whom the file was allotted.
2. It is already 11.00 am, therefore, prayer made by the State counsel is rejected.
3. 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 23-12-2015 in connection with Crime No. 188 of 2015, registered at Police Station Rajpur, District Balrampur, Ramanujganj (CG) for the offence punishable under Section 306 of the IPC.
4. Case of the prosecution, in brief, is that one Vijay Kumari committed suicide along with her son by jumping in a well. It is alleged that the applicant, who is husband of the deceased, used to

torture his wife and abetted her to commit suicide and thereby the aforesaid offence was committed.

5. Learned counsel appearing for the applicant would submit that the mother of the deceased namely Smt. Ruchi and Rajaram who was the relative of the deceased have been examined before the court below and five witnesses have been examined out of total twenty-two witnesses and primary evidence of two witnesses would show that the applicant has not abetted the deceased to commit suicide. He would further submit that the charge-sheet has been filed in this case, he is in jail since 23-12-2015 and no further investigation is required, therefore, he may be released on bail.
6. *Per contra*, learned State counsel opposes the prayer for grant of bail.
7. I have heard learned counsel for the parties and have also perused the case diary and the documents.
8. Perused the statements of Smt. Ruchi and Raja Ram in which no positive allegations have been attributed to the present applicant.
9. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant, further considering the statements of the Smt. Ruchi and Raja Ram and further taking into fact that five witnesses have been examined and also the fact that charge-sheet has been filed and the applicant is in jail since 23-12-2015, I am inclined to release the applicant on bail.
10. 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