

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2623 of 2016

Mayaram S/o late Balaram, aged about 70 years, R/o village Mohtara Kurmi, Police Station Lalpur, Tahsil Lormi, District Mungeli (CG).

APPLICANT

Versus

State of Chhattisgarh through Police Station Lalpur, District Mungeli (CG).

RESPONDENT

For Applicant	: Shri AK Yadav, Advocate.
For Respondent	: Shri Adhiraj Surana, Deputy Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

07.06.2016

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No. 47/2016 registered at Police Station Lalpur, Distt. Mungeli for the offence punishable under Section 306/34 IPC.
2. Case of the prosecution, in brief, is that the applicant along with other co-accused is said to have mentally as well as physically harassed the deceased forcing her to commit suicide on 01.03.2016 by consuming pesticide as a result of which she committed suicide on 05.03.2016.
3. Learned counsel for the applicant submits that the applicant is in detention since 29.03.2016. He further submits that there is no direct allegation of any overt-act committed by the applicant against the deceased whereas, all the allegations are omnibus and general in nature, and therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, he has not been able to substantiate the specific overt-act on the part of the present applicant in commission of the said offence.
5. I have heard the counsel appearing for the parties.
6. Without commenting on merits, considering the totality of the facts and circumstances of the case, more particularly there is no direct evidence against the applicant, who is the father in law of the deceased and the allegations are omnibus and general in nature, also considering the fact that the applicant is in detention since 29.02.2016, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
V. JUDGE