

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 803 of 2016**

Anil Nayak, S/o Darjun Nayak, aged about 28 years, R/o Village Chilahati Chowk, Pachpedi, P.S. & Tahsil- Masturi, Civil & Revenue District Bilaspur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh through Station House Officer, Masturi (P.S. Masturi), Distt. - Bilaspur (C.G.)

-----Non-applicant

For Applicant : Mr. M.K. Baig, Advocate.
For Non-applicant/State : Mrs. Astha Shukla, PL

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****01/03/2016**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 353/2015 registered at Police Station Masturi, District Bilaspur for the offences punishable under Sections 498(A) & 306/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant's wife Uttara Nayak committed suicide by hanging on 22.09.2015 within seven months of her marriage with the applicant on account of investigation/abetment extended by the applicant and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the offence in question. He further submits that the deceased has some extra marital affair with one Sourabh Tiwari and on account of which, she has committed suicide and, as such, the applicant has no role to play in the offence in question and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State would submit that there is presumption against the application for instigating the deceased to commit suicide as his wife (since deceased) committed suicide within seven months from her marriage with the applicant and, therefore, he is not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case; further considering the fact that deceased committed suicide by hanging herself within seven months of her marriage with the applicant; and the other material collected by the prosecution against the applicant with regard to instigation, I am not inclined to release the applicant on bail. Therefore, the bail application is rejected.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

