

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1353 of 2016**

Dileep Mahilange, S/o Titra Mahilange, Aged about 37 years,
R/o Village Chuiha (Ma.Gu.), P.S. Baloda Bazar, Civil &
Revenue District Bloada Bazar-Bhatapara (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh: Through Police Station – Baloda Bazar,
Civil & Revenue District Baloda Bazar-Bhatapara (C.G.)

-----Non-applicant

For Applicant: Mr. Adil Minhaj, Advocate.
For Non-applicant/State: Mr. Neeraj Kumar Sharma, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****16/03/2016**

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. 337/2015 registered at Police Station Baloda Bazar, Civil & Revenue District Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 306 of Indian Penal Code.

(2) Case of the prosecution, in brief, is that marriage of deceased -Sushila Bai was solemnized with the applicant 8 years prior to the date of incident i.e. 6.8.2015 and immediately after marriage applicant started harassing her and treated her with cruelty as she had no issue with the applicant and on account of humiliation & frustration she committed suicide by setting herself ablaze and thereby committed the aforesaid offence.

(3) Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the offence in question as he has not committed any offence; there is delay of 55 days in lodging the FIR as the incident had occurred on 6.8.2015 whereas the FIR has been lodged on 30.09.2015. He further submits that the applicant is in detention since 19.11.2015 and the charge sheet has been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts and circumstances of the case, and further considering the extent of proximity and nexus between the conduct and behaviour of accused with suicide committed by the deceased; further considering the extent of delay in lodging the FIR and the fact that charge sheet has already been filed and the applicant is in jail since 19.11.2015, this Court is of the opinion that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

(6) Accused/applicant – **Dileep Mahilange** is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Sanjay K. Agrawal)
Judge

