

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2920 of 2016

1. Lakhan Sahu, aged about 63 years, S/o. Samelal Sahu, R/o. Village-Lohda, Chowki- Saket, Police Station – Pathariya, District-Mungeli (C.G.), Civil District-Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police of Police Station – Pathariya, Tahsil – Pathariya, District-Mungeli (C.G.), Civil District – Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. Ratnesh Agrawal, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/06/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.387/2015, registered at Police Station – Pathariya, District – Mungeli (C.G.) for the offence punishable under Section 306, 34 of the Indian Penal Code and Section 4 & 5 of the Chhattisgarh Tonahi Pratadna Nivaran Act, 2005.
2. As per the case of prosecution, the allegation against the applicant is that he used to torture the deceased, Puniya Bai on the ground that she was practicing witchcraft, therefore, she committed suicide by

hanging on 15.10.2015.

3. Learned counsel for the applicant submits that the applicant has not abetted the deceased to commit suicide and he has been falsely implicated in this case. He further submits that no statement of any independent witnesses have been recorded by the police. He submits that charge-sheet in this case has been filed and no further investigation is required, therefore, the applicant may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement and the case diary. Considering the facts and circumstances of the case and taking into the fact that charge-sheet in this case has been filed and no further investigation is required, the applicant is in jail since 08.02.2016, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge