

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4590 of 2016

1. Ramesh Mahilang, S/o. Sudharu Mahilang, aged about 25 years, R/o. Saraipali, P.S. Komakhan, Post – Saraipali, Civil and Revenue District – Mahasamund (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station- Komakhan, District – Mahasamund (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Vikram Dixit, Advocate
For Respondent/State	: Mr. Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/08/2016

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.120/2015, registered at Police Station – Komakhan, District – Mahasamund (C.G.) for the offence punishable under Section 306, R/w. Section 34 of the Indian Penal Code.
2. Case of the prosecution, in brief is that the applicant along with other co-accused has abetted the deceased, Pinky Mahilang, and treated her with cruelty, who was the wife of the applicant, whereby she has committed suicide by consuming poison. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that under the similar circumstances, the other co-accused have been enlarged on bail by

the Coordinate Bench of this Court in M.Cr.C. No.837/2016, vide order dated 01.03.2016 and the allegation against the present applicant is similar, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that on the similar allegation the other co-accused have been enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Considering the facts and circumstances of the case and the fact that under the similar circumstances and the allegation, the other co-accused have been enlarged on bail by the Coordinate Bench of this Court in M.Cr.C. No.837/2016, vide order dated 01.03.2016 and considering the statement of the mother, this Court is of the opinion that present is a 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 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