

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.190 of 2016

Susmanta Kumar Sahu, S/o Prafull Kumar Sahu, aged about 34 years, R/o Jagannath Para, Regali, P.S. Regali, District Sambalpur (Orissa)

---- Applicant

Versus

State of Chhattisgarh, Through the Police Station Chura, District Gariaband (C.G.)

---- Non-applicant

For Applicant:	Mr. V.R. Tiwari, Advocate.
For Non-applicant:	Mr. Adhiraj Surana, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/02/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.133/2015, registered at Police Station Chura, Distt. Gariaband, for the offence punishable under Section 306 of the IPC.
2. Case of the prosecution, in brief, is that wife of the applicant Smt. Manorama committed suicide on 23-10-2015 at her parental house on account of abetment / cruelty meted out by the present applicant and thereby the applicant has committed the offence under Section 306 of the IPC.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, as all of a sudden, his wife Smt. Manorama left her matrimonial home on 5-10-2015 and started residing with her parents in her parental house with effect from 5-10-2015 where she committed suicide by hanging on 23-10-2015. Learned counsel

further submits that the incident is alleged to be prior to 5-10-2015, the date on which she came back to her parental house, and she committed suicide on 23-10-2015, even there was sufficient time gap between the two dates to reconcile the incident if any cruelty was meted out by the present applicant as such, there is no proximity and nexus between the suicide committed by the deceased and conduct of the applicant. The applicant is in custody since 25-10-2015. Charge-sheet has been filed.

4. On the other hand, learned State counsel opposes the application and submits that on account of cruelty and ill-treatment meted out by the present applicant, the deceased committed suicide.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, further taking into account the extent of proximity and nexus between the conduct and behaviour of the present applicant with the suicide committed by the deceased, pretrial detention of the applicant, charge-sheet has been filed and no custodial interrogation of the applicant is required, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge