

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 324 of 2016

- Santosh Nishad S/o Bhagat Nishad Aged About 35 Years
R/o Village Udela, Police Station Simga, Civil & Revenue
District Baloda Bazar - Bhatapara Chhattisgarh.

--- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer,
Police Station Simga, Civil & Revenue District Baloda
Bazar - Bhatapara Chhattisgarh.

--- **Respondent**

For the applicant	:Mr. Janak Ram Verma, Advocate.
For the Respondent	:Mr. Sangharsh Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 316/2015 registered at Police Station Simga, District Baloda Bazar Bhatapara (C.G) for the offences punishable under sections 306 & 498 (A) of IPC.
2. As per the prosecution case, wife of applicant namely Santoshi consumed rat killer poison on 13.05.2015 and during the course of treatment, she died on 14.05.2015. The allegation against the applicant is that he abetted the commission of offence as she was subjected to torture.
3. Learned counsel for the applicant submits that the applicant and deceased were married 12 years ago and there has been dispute between the husband and wife,

therefore, she consumed rat killer and the Police recorded the statement of deceased wherein she stated that because of the dispute she has consumed the poison and there is no abetment. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 30.10.2015, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Taking into consideration the facts and circumstances of the case and the nature of dispute between the applicant and deceased and the degree of allegations against the applicant as also considering the fact that the charge sheet in this case has been filed and the applicant is in jail since 30.10.2015, I am inclined to release him on bail.
6. Accordingly, this bail petition is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He shall appear before the trial Court as and when directed by the said Court.
7. Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**