

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 110 of 2016

1. Ajay Nayak, S/o. Darjun Nayak, aged about 30 years, R/o. Village-Chilahati Chowk, Pachpedi, P.S. & Tahsil : Masturi, Civil and Revenue District – Bilaspur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Masturi (P.S.- Masturi), District – Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. Mirza Keshar Beg, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/01/2016

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.353/2015, registered at Police Station – Masturi, District – Bilaspur (C.G.) for the offence punishable under Section 498(A), 306/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the deceased, Uttara Bai, who was sister-in-law of this applicant has committed suicide by hanging. It is the allegation that the applicant alongwith the husband of the deceased tried to assassinate the character of the deceased and because of such reason, the deceased committed suicide.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the applicant has neither abetted the deceased to commit suicide nor any active role was played by this applicant to commit suicide and only the applicant is the brother-in-law of the deceased, therefore, he has been

inculcated. He would further submit that charge-sheet in this case has been filed and the applicant is in jail since 28.10.2015, 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.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into facts and circumstances of the case, the degree of offence, and the nature of allegation levelled against the applicant and the fact that the applicant is in jail since 28.10.2015 and further taking into the fact that charge-sheet in this case has been filed, 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