

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2003 of 2016

Krishna Nahak, S/o. Dashrath, Aged About 27 Years, R/o. Hanspur, P.S. Chhatarpur, Present Address Aamanala 4 Number Dafai, Haldibadi, P.S. Chirmiri, District Korea, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Out Post Korea, Police Station Chirmiri, District Korea, Chhattisgarh

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent : Ms. Shobha Kashyap, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.06.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.436/2015, registered at Police Station : Out Post- Korea, Chirmiri, Distt. Korea (C.G.) for the offence punishable under Section 304-B, 306 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the deceased Kamini was married to the applicant on 19.04.2015 and after the marriage, she was not able to conceive and therefore she was subjected to taunting and harassment and as such she stayed at her maternal home since 19.08.2015 and subsequently on 25.11.2015 she committed suicide.
3. Learned counsel for the applicant submits that the applicant and his brother were married on the same date and since the wife of the

brother is conceived and the deceased Kamini could not conceive, she on her own volition committed suicide and therefore the applicant has neither committed any offence nor has abetted the deceased to commit suicide; therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the mother & father of the deceased. Considering the statement of mother & father and the facts of this case, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge