

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2932 of 2016

Ramdhan Gond S/O Shri Ramlal Gond Aged About 26 Years R/O
Village - Navgai P.S. Surajpur, District Surajpur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through P.S. - Surajpur, District Surajpur
Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Pragalbha Sharma, Advocate
For Respondent/ State	:-	Mr. Neeraj Sharma Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

16/06/2016

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. 68/2016 registered at Police Station- Surajpur, District Surajpur (C.G.) for the offence punishable under Sections 306 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the deceased Sukhpati committed suicide by jumping into the well on 04.02.2016. It is the case of the prosecution that the deceased was abetted by the husband, the present applicant as she was unable to bear any child, therefore, she was tortured and assaulted by the husband many times, consequently the deceased committed suicide, thereby the offence has been committed.
3. Counsel for the applicant submits that the applicant has not abetted commission of crime, the wife herself has committed

suicide as she was unable to conceive. He further submits that the applicant went to take her back, on 03.02.2016, however, the wife had refused to come back with him and on the next date the deceased had committed suicide. He further submits that the charge-sheet has been filed and the applicant is in jail since 11.02.2016, therefore, the applicant may be enlarged on bail.

4. Per contra State counsel opposes the prayer for grant of bail.
5. Perusal of the statement of the mother of the deceased Nankibai and after going through the statement of the witness which is on record, taking into the fact that the charge-sheet has been filed and the applicant is in jail since 11.02.2016. Considering the fact for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-

(Goutam Bhaduri)
Judge