

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3570 of 2016

1. Anirudh, aged 45 years, S/o. Babulal Banjare,

2. Babulal Banjare, aged 65 years, S/o. Rampyari,

Both are R/o. Village-Medarka, P.S.- Kurud, Tahsil and Post – Kurud,
District – Dhamtari (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : the Police Station – Kurud, District –
Dhamtari (C.G.)

---- Respondent

For Applicants : Mr. Somnath Verma, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/07/2016

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 applicants who have been arrested in connection with Crime No.92/2016, registered at Police Station – Kurud, District – Dhamtari (C.G.) for the offence punishable under Section 306/34 of the Indian Penal Code.
2. The case of the prosecution, in brief is that on 11.02.2016, Usha Bai committed suicide by consuming poison, who was married to the applicant No.1, Anirudh 20-25 years back and she was subjected to torture and the deceased was pressurized to demand partition from her maternal side. Thereby the offence has been committed.

3. Learned counsel for the applicants submits that under the facts and circumstances of the case abetment can not be made out and the applicants have been falsely implicated in this case. It is further submitted that similarly placed co-accused in this case has been enlarged on bail by the coordinate Bench of this Court in M.Cr.C.No.2191/2016 vide order dated 25.04.2016, the counsel therefore, 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.
6. Considering the facts and circumstances of the case, the nature of allegation levelled against the applicant and taking into the fact that similarly placed co-accused in this case has been enlarged on bail by the co-ordinate Bench of this Court in M.Cr.C.No.2191, vide order dated 25.04.2016, this Court is of the opinion that present is a fit case, in which, the applicants 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 applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge