

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7201 of 2015

Anand Babu Nayak S/o Shri Daduram Nayak Aged About 30 Years
R/o Village Tumgaon, P.S. Tumgaon, Civil/rev. Distt. Mahasamund
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through P.S. Tumgaon, Civil And Rev. Distt.
Mahasamund Chhattisgarh.

---- Respondent

For applicant - Shri Manoj Paranjpe, Advocate.
For Respondent/State – Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

12/01/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn vide M.Cr.C. No.5872/2015 on 4/11/2015 with liberty to revive after filing of the charge sheet. Now the charge sheet has been filed.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 70/2014 registered in Police Station Tumgaon (C.G.) for offence punishable under section 304 (B)/34 of IPC.
3. As per the prosecution case applicant was married to Bindu Nayak on 12/06/2012 and thereafter out of the wedlock child was also born and subsequently she was tortured for demand of dowry and subsequently she committed suicide by hanging on 21/04/2014.
4. Learned counsel for the applicant submits that applicant has been falsely implicated in this case and on initial enquiry nothing was revealed about torture and suicidal note was seized wherein no allegation have been attributed instead deceased has praised her husband and actually

suicide was caused because husband was un-employed. He submits that charge sheet has been filed, therefore, the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. I have perused the case diary, statement, charge sheet and the documents filed which has affirmed the suicidal note. According to the expert report suicidal note contains the signature and writing of the deceased. Taking into fact contents of the suicidal note, without any observation on merit, this court is inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE