

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7697 of 2015

Ramesh Kumar S/o. Shiva Prasad Yadav, aged about 28 years, R/o of village- Sarastal, Police Station – Khandgawan, District Korea (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through In-charge, Police Station - Khandgavna, District – Korea (C.G.)

---- Respondent

For Applicant	:-	Ms. Usha Chandrakar, Advocate
For Respondent/ State	:-	Mr. Anupam Dubey, Dy.Govt. Advocate

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 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 112/2015 registered at Police Station- Khandagawan, District – Korea (C.G.) for the offence punishable under Section 306 of IPC.
2. Case of the prosecution, in brief, is that, the deceased Anita was married to the applicant before 7-8 years back. On 16.07.2015, the deceased was beaten by the applicant, thereafter, the deceased consumed rat killer poison. Therefore, the deceased committed suicide. It is the case of the prosecution, that on 17.07.2015 while the deceased in hospital was being treated, on being asked to her about the incident the deceased told that the applicant was assaulted to her and the applicant was having illicit relation with a lady. Thereby, the offence is committed.

3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. She further submits that the applicant has not abetted the deceased to commit suicide. She further submits that the charge-sheet in this case has been filed and the applicant is in jail since 29.07.2015; therefore, he may be enlarged on bail. .
4. Learned State counsel opposes the prayer for grant of bail.
5. Having regard to the fact the degree of offence and the nature of allegation levelled against this applicant; the fact that the charge sheet in this case has already been filed and the applicant is in jail since 29.07.2015. 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge