

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5114 of 2016

- Puniram Kurre S/O Mahadev Kurre Aged About 42 Years R/O Village Dhangaon, Police Station Sarsiwa, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Sarsiwa, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vineet Kumar Pandey, Advocate

For Respondent/State : Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01-09-2016

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 on 30-11-2015 in connection with Crime No. 249 of 2015, registered at Police Station Sarsiwa, District Balodabazar-Bhatapara (CG) for the offence punishable under Section 306/34 of the IPC.
2. Case of the prosecution, in brief, is that on 25-11-2015 deceased Pooja Kurre committed suicide by pouring kerosene oil over her body and she set herself ablaze. It is also alleged that deceased Pooja Kurre, who is the wife of applicant was having illicit relation with Manaram Kurre, who is Sarpanch of the village and on that count she was subjected to cruelty by the applicant and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that rape was committed by Manaram Kurre who is Sarpanch over Pooja Kurre for which a meeting was convened in the village in which Manaram Kurre was fined Rs.16000/-, thereafter Pooja

Kurre herself committed suicide and the applicant has not abetted the deceased to commit suicide. He would further submit that the charge-sheet has been filed in this case, the applicant is in jail since 30-11-2015 and no further investigation is required, therefore, the applicant may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of Sohanlal, Firturam Kurre and Paramand Mahilane in which primary allegations have been attributed to Manaram Kurre.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the statements of witnesses Sohanlal, Firturam Kurre and Paramand Mahilane and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 30-11-2015, I am of the considered opinion that, *prima facie*, it is a fit case where the applicant can be released on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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

Raju