

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5949 of 2016

- Mansingh Marko @ Nanhi S/O Itwar Singh @ Samar Sai Aged About 19 Years Caste- Gond, R/O Village- Salwa, Police Station - Udaypur, Civil & Revenue District- Surguja, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Out Post- Morga, Police Station- Bango, District- Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent/State : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18-10-2016

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 5-6-2016 in connection with Crime No. 56 of 2016, registered at Police Station Outpost- Morga, Bango, District Korba (CG) for the offence punishable under Section 306 of the IPC.
2. Case of the prosecution, in brief, is that one Shobha who is the wife of the applicant committed suicide by consuming poison on 7-5-2016. It is also alleged that the applicant abetted the deceased to commit the offence as she was subjected to torture and cruelty and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, he has not abetted the deceased to commit offence. He would further submit

that charge-sheet has been filed in this case, the applicant is in jail since 5-6-2016 and no further investigation is required, therefore, he 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, perused the case diary and other documents.
6. Perused the statement of the mother of the deceased and also suicidal note wherein no allegations have been attributed to the applicant.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the mother of the deceased and suicidal note and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 5-6-2016, this court is inclined to release the applicant 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