

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6189 of 2016

- Lal Krishna Jatwar S/O Paras Ram Jatwar Aged About 36 Years R/O Village Pipardula, P.S. Sarsiva, District Baloda Bazar - Bhatapara Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Office, P.S. Sarsiva, Distt. Baloda Bazar Bhatapara Chhattisgarh.

---- Respondent

For Applicant : Mr. Jitendra Gupta, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05-10-2016

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 1-7-2016 in connection with Crime No. 93 of 2016, registered at Police Station Sarsiva, District Balodabazar, Bhatapara (CG) for the offence punishable under Section 306/34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant, who is husband of deceased Indira Jatwar was married to deceased in the year 2000. Subsequently. It is alleged that the deceased was an illiterate lady and as a result the applicant developed some extra marital affair with some other lady. Consequently, the deceased who was continuously taunted committed suicide by hanging 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, the marriage of the deceased with the applicant took place in the year 2000 and only on the

presumption allegations have been attributed to the applicant and no direct evidence is available against the present applicant and she committed suicide on the suspicion that her husband was having an extra marital affair in the year 2015, therefore, it cannot be said that the applicant abetted the deceased to commit suicide. He would further submit that charge-sheet has been filed in this case and the applicant is in jail since 1-7-2016, therefore, the applicant may be enlarged on bail.

4. *Per contra*, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of Santosh, brother of the deceased wherein no allegations of abetment have been attributed to the present applicant.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and also the fact that charge-sheet has been filed, the applicant is in jail since 1-7-2016 and also further considering the statement of brother of the deceased, I am 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.

Sd/-
(Goutam Bhaduri)
Judge

Raju