

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6531 of 2016

Shankar Mishra, S/o. Raju Mishra, Aged About 26 Years, Occupation-Fruit Merchant, R/o. Bus Stand Kunda, Police Station Kunda, Tahsil Pandariya, District Kabirdham Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Kunda, District Kabirdham, Chhattisgarh.

---- Respondent

For Applicant : Mr. Manoj Mishra, Advocate

For Respondent : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24.10.2016

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 in connection with Crime No.115/2016 registered at Police Station- Kunda, District Kabirdham (C.G.) for the offence punishable under Section 306 of Indian Penal Code.
2. As per the prosecution case, one Rani Mishra @ Shashi Mishra committed suicide by consuming poison on 07.11.2015 who was the wife of the applicant. It is alleged that the applicant has abetted the deceased to commit suicide for cruelty meted out to her; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the marriage was solemnized with the deceased in the year 2011 and nothing was attributed to the applicant till she committed suicide. He further submits that immediately after merg inquest, nothing was attributed to the present applicant and after 10 to 11 months the applicant has been

inculpated. He submits that the charge sheet has been filed and the applicant is in jail since 24.08.2016, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, documents and the evidence collected by the prosecution. Considering the facts and circumstances of the case and the fact that the charge sheet has been filed, I am inclined to release the applicant on 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.

Sd/-
(Goutam Bhaduri)
Judge