

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7025 of 2016

1. Devendra Tiwari @ Prince, S/o. Late Ayodhya Prasad Tiwari, aged about 21 years, R/o. Shivnagar, Kumhari, Ward No.5, Near Water Tank, Police Station – Kumhari, District – Durg (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : Station House Officer, Police Station – Supela, District – Durg (C.G.) (In the impugned order written “through : District Magistrate Durg (C.G.)

---- Respondent

For Applicant : Ms. Fouzia Mirza, Advocate

For Respondent/State : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/11/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.606/2016, registered at Police Station – Supela, District – Durg (C.G.) for the offence punishable under Section 306 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 15.02.2016, one Hiteshwari Verma committed suicide by hanging and the FIR was lodged on 28.06.2016. It is alleged that the present applicant, who was in love relation with the deceased has abetted the deceased to commit suicide. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that as per the statement of mother of the deceased and statement of other witnesses, it would reveal that the applicant and the deceased were in love relation and they were known to each other and because of

difference of caste, the proposed marriage was objected, consequently it led to suicide. It is further submitted that in the suicidal note, no allegation has been clamped over the present applicant. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 08.07.2016, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of Ambika Verma, the mother of the deceased and also the suicidal note. Taking into such statement and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 08.07.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge