

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7183 of 2016

1. Ramkumar Loniya @ Laluwa, Son of Manharan Loniya, aged about 30 years, Resident of Village-Kaya, P.S. - Chakarbhata, Bilaspur, Civil and Revenue District – Bilaspur (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : the Station House Officer, Police Station – Chakarbhata, Civil and Revenue District – Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Mirza Hafeez Baig, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/11/2016

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.238/2016, registered at Police Station – Chakarbhata, District – Bilaspur (C.G.) for the offence punishable under Section 306, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 17.09.2015, the wife of the applicant namely Shail Bai committed suicide by setting herself ablaze. She subsequently died on 21.09.2015. It is alleged that she was subjected to torture consequently, she committed suicide. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that no abetment was caused by the present applicant and there had been some dispute, however, the applicant has not abetted the deceased to commit

suicide and the applicant was ready and willing to keep the wife but she refused and eventually the incident happened. He further submits that charge-sheet in this case has been filed and the applicant is in jail since 29.07.2016, 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 case diary, documents and dying declaration. The allegation have been attributed to the husband. The same is to be interpreted by the trial Court with other evidence. Taking into the totality and the facts and circumstances of the case, charge-sheet in this case has been filed and no further investigation is necessary, 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