

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7610 of 2016

- Gendlal Gayakwad S/o Shri Mulchand Gayakwad, Aged About 23 Years R/o Village Gorakhpur, Chowki Fasterpur, Police Station City Kotwali, District Mungeli, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Police Station City Kotwali, District Mungeli, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Direndra Pandey, Advocate

For Respondent/State : Mr. Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30-11-2016

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 31-8-2016 in connection with Crime No. 418 of 2016, registered at Police Station City Kotwali, District Mungeli (CG) for the offence punishable under Section 306 of the IPC.
2. Case of the prosecution, in brief, is that Rakhi Gayakward who was married to present applicant, set herself ablaze by pouring kerosene oil over her body con 14-8-2016. It is alleged that present applicant abetted the deceased and she was subjected to treat with cruelty and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that on trivial issue, wife of the applicant set herself ablaze while her husband askingn food, therefore, no offence has been committed. He would further submit that charge-sheet has been filed in this

case, the applicant is in jail since 31-8-2016 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 which also contained dying declaration.
6. Perused the dying declaration of the deceased wherein no positive allegations have been attributed to the present applicant.
7. Taking into consideration the facts and circumstances of the case and further considering the dying declaration of the deceased, without further observation on the merits of the case, 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju