

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7858 of 2016

Mohan Sahu, S/o. Sudama Sahu, Aged About 24 Years, R/o. Village - Patharra, Post Office & Police Station - Rajim, District – Gariyaband, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station - Rajim, District – Gariyaband, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/12/2016

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.198/2016 registered at Police Station- Rajim, District Gariyaband (C.G.) for the offence punishable under Section 306 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Bhagwati Manikpuri committed suicide by setting herself ablaze on 08.02.2016 and she died on 13.02.2016. It is alleged that the present applicant has abetted the deceased to commit suicide.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and dying declaration has been recorded which is a part of record and no allegations have been attributed against the present applicant. He further submits that the charge sheet has been filed and the applicant is in jail since 30.08.2016; 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 and the dying declaration. Considering the same and the facts and circumstances of the case and further taking into 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