

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7973 of 2016

- Amit Kumar S/o Prayag Narayan Dubey, Aged About 35 Years R/o 13, Battalion, Machadoli Bango, Tahsil Podi Uproda, District Korba, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Its Police Station Bango, District Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ravi Maheshwari, Advocate

For Respondent/State : Mr. Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15-12-2016

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 on 25-10-2016 in connection with Crime No. 99 of 2016, registered at Police Station Bango, District Korba (CG) for the offence punishable under Section 306 of the IPC.
2. Case of the prosecution, in brief, is that one Prabha Dubey committed suicide by hanging on 3-10-2016. She was married to present applicant 12 years back. It is alleged that the applicant used to torture the deceased after consuming liquor and thereby has abetted the deceased to commit suicide.
3. Learned counsel appearing for the applicant would submit that the applicant has not committed any offence, out of the wedlock of the applicant and deceased, three children were born and due to

trivial dispute, the deceased committed suicide. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 25-10-2016 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.
6. Perused the statements of the witnesses and also the son 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, nature of allegations leveled against the applicant and further considering the statements of the witnesses and the son of the deceased and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 25-10-2016, this court is 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