

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8128 of 2016

Dwarika Yadav, S/o. Shri Mithalesh Yadav, Aged About 35 Years, R/o. Village Khamhariya, Police Station Takhatpur, Civil & Revenue District Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Takhatpur, Civil & Revenue District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Indra Sen Sahu, Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/12/2016

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.178/2016 registered at Police Station- Takhatpur, District Bilaspur (C.G.) for the offence punishable under Section 306 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 01.03.2016, one Milapa Bai set herself ablaze who is wife of the present applicant and eventually she died on 06.03.2016. It is alleged that the present applicant has abetted the deceased to commit suicide and was used to abused; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the dying declaration was recorded, however, no allegations were attributed to the present applicant to infer the fact that the applicant has abetted. He further submits that as per the statement of the mother of the deceased Kusum Bai, who is examined as PW-9, it

is stated that she was mentally disturbed at the time of incident, 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, dying declaration and statement of the mother. Taking into such statement and the facts and circumstances of the case, without any observation on merit, 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