

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5201 of 2017**

- Vinit Choubey S/o Mahesh Choubey, Aged About 24 Years
R/o Deviganj, Ward No.15, Ambikapur, Police Station And
Tahsil Ambikapur, District Surguja, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Gandhi
Nagar, Ambikapur, District Surguja, Chhattisgarh

---- Respondent

 For Applicant : Shri T.K. Jha, Advocate
 For Respondent/State : Shri Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

22.11.2017

1. Heard the matter finally.
2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.227/2017, registered at Police Station Gandhi Nagar, District Surguja (CG) for the offence punishable under Section 306 of the IPC.
3. As per the case of prosecution, deceased Dipika Choubey committed suicide on 16.6.2017. The marriage between the deceased and the applicant was settled two years ago, but on 12.6.2017, the applicant levelled charge against the deceased that she is having illicit relations with some other boys and he will

not marry her. On 14.6.2017, when mother of the deceased asked the applicant as to why he charged against her daughter then in reply, the applicant repeated that the deceased is having illicit relations with other boys.

4. Prima facie it appears that prior to the incident, the applicant charged the deceased and that was sarcastic to her and in this way he instigated the deceased to commit suicide.

5. Learned counsel for the applicant submits that no prima facie case under Section 306 IPC is made out against the applicant and the statements recorded under Section 161 Cr.P.C. are not reliable. He placed reliance on the decision of the apex court, reported in **(2017) 7 SCC 780, Pawan Kumar Vs. State of Himachal Pradesh**. He submits that the trial may take some time, therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. He submits that the act of the applicant falls within the purview of abatement to commit suicide and he is not entitled to be released on bail.

7. Perused the entire material available on record.

8. Looking to the fact that marriage of the deceased was to be solemnized with the applicant and prior to the date of incident, he made allegations against the deceased regarding her illicit relations which shows the conduct of the applicant to instigate the

deceased to commit suicide, whose marriage was to be solemnized with him.

9. Considering the facts and circumstances of the case and the material collected against the applicant, I am of the view that it is not a fit case to release the applicant on bail.

10. Accordingly, the bail application is rejected.

Sd/

(Ram Prasanna Sharma)
JUDGE