

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6070 of 2017**

Lekhpal Gupta, S/o. Netram Gupta, aged about 40 years, Occupation- Agriculture, R/o. Village- Nawanagar, PS. - Darima, Tahsil – Ambikapur, District – Surguja (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : the Station House Officer, Police Station – Darima, Ambikapur, District – Surguja (C.G.).

---- Respondent

For Applicant : Mr. Jitendra Shrivastava, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**08/11/2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.93/2017, registered at Police Station – Darima, Ambikapur, District – Surguja (C.G.) for the offence punishable under Section 306 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case. On 06.12.2016, the deceased Raj Kumari, who was wife of the applicant, accidentally caught fire and suffered burn injuries. She was admitted for treatment in hospital and expired on 12.02.2017. In the meanwhile, neither any dying declaration nor any statement under Section 161 of Cr.P.C. has been recorded. After the death of the deceased, false FIR has been lodged implicating

the applicant in this case. It is submitted that the applicant is in jail since 30.07.2017, charge-sheet has been filed in this case, therefore, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that previous wife of the applicant has also committed suicide in similar fashion and for that also, the applicant was prosecuted for offence under Section 306 of the Indian Penal Code. Hence for this reasons, the applicant may not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the case against the applicant on 06.12.2016, the deceased Rajkumari caught fire and suffered burn injuries. She was admitted in the hospital and she was discharged on 14.12.2016 while residing in her husband residence, prosecutrix died on 12.02.2017. As per the mouree enquiry report, applicant subjected the deceased to cruel treatment on account of which feeling abetted, she has committed suicide.
6. Considering on the submission made and the contents of the case diary and further considering the fact that although the enquiry officer has an opportunity for recording dying declaration of the deceased, even then no dying declaration was recorded by any of the officer of the concerned police station or by the Executive Magistrate of that jurisdiction. Considering all this factors, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. are allowed.
8. It is directed that 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/-
(Rajendra Chandra Singh Samant)
Judge

Balram