

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 6744 OF 2017

Tarachand Khande, S/o Baburao, aged about 28 years, R/o Tedhadhaura,
Police Chowki- Fasterpur, Police Station- City Kotwali, Mungeli (C.G.)

... Applicant

versus

State of Chhattisgarh, through : the Incharge, Police Chowki- Fasterpur,
Police Station- City Kotwali, Mungeli (C.G.)

... Respondent

For Applicant	:	Mr. M.K. Jaiswal, Advocate.
For Respondent-State	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/12/2017

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 21.6.2017 in connection with Crime No.312/2017 registered at Police Chowki-Fasterpur, Police Station- City Kotwali, District Mungeli, for the offence punishable under Section 306/34 of IPC.
2. Allegation against the Applicant as per the prosecution case is that the Applicant is said to have subjected the deceased, his wife, to a great amount of ill-treatment, torture, harassment and cruelty which ultimately forced her to commit suicide by setting herself ablaze on 10.4.2017.
3. Learned Counsel for the Applicant submits that plain reading of the contents of the case diary would reveal that there is no specific allegation with which ingredients necessary to make out an offence under Section 306 of IPC is available. He further submits that the Applicant has not in any manner instigated or abetted the deceased to commit suicide. He also submits that there is also no allegation of any ill-treatment, harassment, cruelty or assault being made by the Applicant soon before the incident. He thus prayed for grant of bail to the Applicant.

4. Learned Counsel for the State however opposing the bail application submits that the Applicant had been constantly harassing the deceased on some pretext or the other and on the date of incident also the Applicant is said to have harassed the deceased by threatening her with a sickle (hansiya) and later the deceased is said to have went and committed suicide and therefore the Applicant does not deserve to be released on bail.

5. Having heard the submissions put forth on either side and on perusal of record, taking into consideration the nature of allegation which has been reflected and the manner in which the deceased has committed suicide, particularly the fact that there is no strong material available of any abetment or instigation being made by the Applicant which forced the deceased to commit suicide, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicant.

6. Accordingly, the bail application is allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge