

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 45 of 2017

Ghanshyam Shriwas, S/o. Shri Pyarelal Shriwas, aged about 25 years, R/o. Mohtara (N), P.S. - Sarsiwa, District – Baloda Bazar – Bhatapara (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Police Station – Sarsiwa, District – Baloda Bazar – Bhatapara (C.G.)

---- Respondent

For Applicant	:	Mr. C.R. Sahu, Advocate
For Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

17/01/2017

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.183/2016, registered at Police Station- Sarsiwa, District – Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Section 306 of Indian Penal Code.
2. Case of the prosecution in brief is that one Shailendri, the wife of the present applicant committed suicide by hanging. It is alleged that the deceased was subjected to cruelty as the applicant being the husband wanted money and in absence thereof, subjected to severe beating, consequently, she committed suicide.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has not abetted the deceased to commit suicide. It is further submitted that statement of the mother would show that no abetment was caused and the deceased herself has committed suicide. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 17.10.2016, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard the learned counsel for the parties.
6. Perused the case diary, documents and statement of the witnesses.
Considering the facts and circumstances of the case, proximity of allegation, and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 17.10.2016, 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 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge