

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 202 of 2017

Mahaveer Patel, S/o. Vishnu Prasad Lodhi, Aged About 30 Years, R/o. Village Tumakala, Police Station Dhamdha, Tahsil Dhamdha, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Dhamdha, District Durg, Chhattisgarh .

---- Respondent

For Applicant : Mr. Shrawan Agrawal, Advocate

For Respondent : Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/01/2017

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.271/2016 registered at Police Station- Dhamdha, District Dug (C.G.) for the offence punishable under Section 306 of Indian Penal Code.
2. As per the prosecution case, one Bhagwati Patel, wife of the present applicant, committed suicide by consuming Pesticide and sleeping tablet. She consumed poison on 03.04.2016 and thereafter she was hospitalized. It is alleged that the applicant has abetted the deceased to commit suicide.
3. Learned counsel for the applicant would submit that the FIR in this case is registered on 18.10.2016 after six months and no plausible explanation was made and also there is no evidence on record to show that the applicant has abetted the deceased to commit suicide, 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 and the documents. Considering the statement and taking into proximity of allegation with the offence and the fact that the charge sheet has been filed, 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