

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 408 of 2017

- Kamlesh Sinha S/o Makhan Lal Sinha, Aged About 35 Years R/o Rajivnagar, Shivrinar, Ward No. 02, Tahsil and District- Durg Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through- Station House Officer, Police Station- Durg, District- Durg Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Amiyakant Tiwari, Advocate
For the Respondent	:	Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.02.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 809/2016 registered at P.S. Durg, Distt. Durg (C.G) for the offence punishable under Sections 306 IPC.
2. As per the prosecution case, one Priya @ Rani committed suicide by setting herself ablaze on 24.10.2016 and she eventually died on 30.10.2016. It is alleged that the present applicant was living along-with deceased and has performed another marriage as such the dispute occurred in between the husband and wife and the husband used to abet her to commit suicide and consequently she committed suicide.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and over some dispute between the husband and wife, the wife lost her temper and set herself on fire and the applicant has not abetted the crime. He further submits that the charge sheet has been

filed and no further investigation is necessary, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary, documents as also the dying declaration.
6. Considering the degree of allegations levelled against the applicant and the facts and circumstances of the case especially the fact that the charge sheet has been filed; no further investigation is necessary and the applicant is in jail since 18.01.2017, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**