

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1178 of 2017

- Ashok Kumar Dewangan S/o Late Hagru Ram Dewangan Aged About 57 Years R/o Village Belar, Hatwarapara, Belargaon, Post Office & Police Station- Sihawa, Distrit Dhamtari, Chhattisgarh

---- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Sihawa, District- Dhamtari, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent/State : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

7-3-2017

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 on 3-12-2016 in connection with Crime No. 115 of 2016, registered at Police Station Sihawa, District Dhamtari (CG) for the offence punishable under Section 306/34 of the IPC..
2. As per prosecution case, the deceased had an affair with the son of the applicant and when she conceived, the applicant insisted Hemant and her parents to accord proper status to the deceased in their family. It is alleged that though the deceased was kept in the house of Hemant with his parents, she was subjected to torture so much so that she committed suicide.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated, charge-sheet has been filed in this case, he is in jail since 3-12-2016. He would further submit

that the case of the present applicant is similar to that of other co-accused namely Smt. Tara Bai Dewangan, who has been granted bail vide order dated 30-01-2017 passed by co-ordinate Bench of this Court in M.Cr.C.No. 389 of 2017, therefore, the present applicant may also be released on bail on the ground of parity.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicant is similar to that of other co-accused who has been granted bail by co-ordinate Bench of this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the fact that charge-sheet has been filed, the applicant is in jail since 3-12-2016 and further considering the fact that similarly placed other co-accused has been granted bail, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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/-
(Goutam Bhaduri)
Judge

Raju