

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1683 of 2017

1. Ramesh Kumar Karsh S/o Shri Chhedulal Karsh, aged about 42 years, R/o Village Matiya, Chowki Giraudpuri, Police Station Gidhauri, District Balodabazar- Bhatapara Chhattisgarh

---- Applicant

Versus

1. State of Chhattisgarh, through, S.H.O. Police Station Gidhauri, District Balodabazar-Bhatapara Chhattisgarh

---- Respondent

For Applicant – Shri A.S.Rajput, Advocate.

For Respondent – Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

27-03-2017

1. Heard the instant MCRC.
2. Learned counsel for the applicant would submit that the instant applicant is arrested on 09-12-2016 by the Gidhauri police, District Balodabazar-Bhatapara, C.G. under Section 306 of the IPC by registering crime No.220/2016 for abetment of suicide to his wife whom he was married more than 20 to 22 years ago and the wife was a teacher, she committed suicide by consuming the insecticide indosulphas. The investigation have been completed and charge sheet has been filed. Learned counsel for the applicant would submit that this is the first bail application. No any other bail application has been preferred by the applicant before this Court or before Hon'ble the Apex Court under Section 438 and 439 of the Cr.P.C. As the marriage was performed more than 20 to 22 years ago, the provisions of Section 113A of the Evidence Act would not be applicable. The case of the applicant has to be considered in the light of provisions of Section 107 of the IPC. He had not committed any act which constitute any of the limbs as in Section 107 of the IPC. Out of the wedlock two children aged about 20 years and 16 years respectively.
3. Per contra, learned counsel for the State/respondent opposed the

argument advanced though fairly conceded that the marriage performed about 20 to 22 years ago, two children aged about 20 and 16 years of age, no any crime registered against the applicant for committing cruelty or any other act in entire period of last 20 to 22 years and also as Section 113A of the Indian Evidence Act is not applicable in the matter.

4. After consideration of the entire material, I am inclined to allow the instant MCRC. Consequently, the instant MCRC is hereby allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Bilaigarh who had registered the matter as Criminal Case No.47/2017 for his appearance before the said committal Court/trial Court as and when directed.

5. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

5. The MCRC disposed of.

6. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE