

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3428 of 2017**

Madhoram Sahu S/o Dhaniram Sahu aged about 44 years R/o village Dhourabhata
Police Office and Police Station Magarlod District Dhamtari (CG)

Applicant

Versus

State of Chhattisgarh through the Station House Officer Police Station Magarlod
District Dhamtari (CG)

Respondent

For Applicant : Shri R.K. Pali, Advocate under instructions of Shri Shivendu
Pandya, Advocate.

For Respondent : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order On Board

13.06.2017

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.27/2017 registered at Police Station Magarlod, District Dhamtari for the offence punishable under Section 306 of the IPC.
2. Case of the prosecution, in brief, is that the present applicant under the influence of Alcohol had been in the habit of assaulting his wife Dhiraj Bai (deceased) and because of the continuous assault being made by the present applicant, the deceased is said to have committed suicide by consuming poison in the night of 27.7.2016.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. He further submits that the applicant is in detention since 7.2.2017, and therefore,

the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard the counsel appearing for the parties.
6. Considering the totality of the facts and circumstances of the case and the documents enclosed with the case diary, there does not prima facie appears to be any evidence with which the victim was forced to commit suicide as is required under Section 107 of the IPC and also considering the nature of allegation and the fact that the applicant is in detention since 7.2.2017, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with two sureties in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge