

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3729 of 2017**

- Amar Singh Rathore S/o Punnelal Rathore Aged About 34 Years
R/o Village Lalpur, Police Station Gaurela, District Bilaspur
Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through : The Police Station Gaurela ,
District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Shri Ashok Soni, Advocate
For Respondent/State	: Shri Vinod Tekam, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****23.6.2017**

1. Heard the matter finally.
2. 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.100/2017, registered at Police Station Gaurela, District, Bilaspur (CG) for the offence punishable under Section 306 IPC.
3. Learned counsel for the applicant submits that the applicant is arrested on 1.5.2017 and after investigation police had filed the charge sheet which is pending before the Additional Sessions

Judge, Pendra Road, District Bilaspur (CG) as ST No. 15/2017. As per facts of the case, the applicant and the deceased Hemwati Rathore were married in the year 2000. Out of the wedlock there are 2 sons aged about 14 years and 12 years. There is no suicidal note recovered during investigation and as per allegations, the deceased Hemwati set her ablazed on 16.2.2017 at about 9.30 pm when the applicant was not present in the residence as he was out for his duty and he returned home at 10.30 pm. There is no other incriminating evidence collected during investigation except that the parents of the deceased stated possibility of torture after consuming alcohol and repeatedly denying meeting her parents. Though as per statement of the parents, prior to 2 ½ years every thing was right. The applicant is an employee in the Indian Railways working as Gangman. There is no complaint regarding torture of the applicant in all those 17 years. He is a permanent resident of Bilaspur and he will cooperate in the trial, therefore, he may be granted bail during trial.

4. On the other hand, learned counsel for the State opposes the bail application on the basis of statement of the parents of the deceased recorded during investigation under Section 161 CrPC.

5. I have heard the counsel appearing for the parties and perused the material.

6. Considering the facts and circumstances of the case, the applicant is in custody since 1 month and 23 days, charge sheet has been filed; trial may take some time; the applicant is local resident and employed in Railways; the marriage was solemnized about 17 years ago and out of the wedlock they have blessed with 2 sons, who are now aged about 14 and 12 years respectively; there is also no suicidal note left by the deceased, I am inclined to grant an opportunity to the applicant so that he shall remain in the society peacefully.

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.50,000/- with one surety in the like sum to the satisfaction of Additional Sessions Judge, Pendra Road, District Bilaspur(CG) for his appearance before the said Court as and when directed till trial.

9. 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 the above , the Court below may proceed further under the provisions of law, under intimation.

Certified copy as per rules.

Sd/

(Chandra Bhushan Bajpai)
JUDGE