

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3761 of 2017

- Manharan Singh. S/o Ramkumar Rajput, Aged About 28 Years R/o Village Jhaphal, Police Station Lormi, Civil District Bilaspur & Revenue District Mungeli, Chhattisgarh.
- Ramkumar Rajput S/o Shri Tihari Rajput, Aged About 50 Years R/o Village Jhaphal, Police Station Lormi, Civil District Bilaspur & Revenue District Mungeli, Chhattisgarh.

---- Petitioners

Versus

- State Of Chhattisgarh Through Police Of Police Station Lormi, Civil District Bilaspur And Revenue District Mungeli, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Pallav Mishra, Advocate
For Respondent/State	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Rajendra Chandra Singh Samant

Order On Board

30/11/2017

1. Heard the matter finally.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants, who have been arrested 10.01.2017 in connection with Crime No. 592/2016, registered at Police Station – Lormi (C.G.), for the offence punishable under Sections 498 (A), 306 / 34 of the Indian Penal Code.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. Deceased Gita Bai the wife of applicant No.1 got burn injuries on 21.12.2016 and was admitted in the hospital. She died on 28.12.2016, in the meanwhile, her statement was recorded in which the deceased not made out any direct allegation against the applicant. Further, it is submitted that

no case of abetment made out in this case as the marriage of the deceased and applicant No. 1 was performed 7 to 8 years prior to the date of incident. Hence, the presumption under Section 113 (A) of the Indian Evidence Act, shall not be applicable in this case and to prove abetment, ingredients under the provision of Section 107 of I.P.C. must be there, but it is missing in this case. The applicants shall abide by the conditions to be imposed on grant of bail. Hence, the applicants may be granted bail. Learned counsel for the applicant placed reliance on the judgment passed by Hon'ble the Apex Court in the matter of **Sanju Vs. State of M.P., 2002 (2) C.G.L.J.**

4. Learned counsel for the State opposes the bail application and submits that the deceased had made dying declaration stating that both the applicants used to harass, beat her prior to the incident. Because of which she got depressed and committed suicide, hence, this is clear case of abetment of suicide, the trial is under way. Therefore, no case is made out for grant of bail to the applicants.
5. Heard counsel for the party and perused the case diary.
6. The facts of the case are these that the marriage of deceased had taken place with applicant No.1, 7 to 8 years prior to the date of incident. On 21.12.2016 some quarrel took place between the deceased and applicant No.1, subsequent to that the deceased set herself ablaze, who was admitted in hospital and she died on 28.12.2016 during the course of treatment. After morgue inquiry, the FIR registered against the applicant and charge-sheet has been filed after investigation.
7. Considering on the facts of this case, it appears that deceased had grievance due to harassment and quarrel with applicant No.1 and applicant No. 2, and further considering on the evidence proposed

to be produced before the trial Court, I am of this view that it is a fit case where the applicants are entitled for grant of bail.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
9. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond for a sum of Rs. 25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge