

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4361 of 2017

Lalit Yadav, S/o. Jagatram Yadav, Aged About 33 Years, R/o. Sebikhedi,
Police Station -Mandir Hasaud, District- Raipur, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Police Station, Mandir Hasaud, District
Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sunil Otwani, Advocate
For Respondent/State	: Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/10/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 01.07.2016, in connection with Crime No.156/2017, registered at Police Station – Mandir Hasaud, District – Raipur (C.G.) for the offence punishable under Section 306 of Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that Kumari Yadav, the deceased was wife of the applicant, who set herself ablaze on 15.06.2016 and resultantly died during the course of treatment. In the statement by the deceased in dying declaration,

she has mentioned only about the quarrel with her husband and it was her husband, who took the deceased in burnt condition in the hospital for treatment. No case of abetment is made out against the applicant, hence he is entitled for grant of bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that dying declaration by the deceased clearly mentions that applicant doubted the integrity of the deceased and used to quarrel with her after consuming liquor, which was a daily affair and because of which, deceased was highly frustrated and she committed suicide on account of frustration and abetment given by the applicant, hence, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Considering the facts and circumstances and further considering the fact that the applicant is in jail since 21.07.2016 and the trial against the applicant is in progress. Looking to the facts and circumstances of the case, no purpose would be served, if the, applicant is kept in detention for whole period of trial, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram