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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4412 of 2017**

Rewati Ram Rajwade S/o Shri Dhansai Rajwade, Aged About 35 Years R/o Village Patrapara (Ranpurkala) Police Station Gandhinagar, District Sarguja, Chhattisgarh.

---- Petitioner**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Gandhinagar, Ambikapur, District Sarguja, Chhattisgarh.

---- Respondent

For the Petitioner : Shri Shakti Raj Sinha, Advocate.
For the Respondent/State : Shri Wasim Miyan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.10.2017**

1. Heard.
2. 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 in connection with Crime No.172 of 2017, registered at Police Station – Gandhinagar, District Surguja, Chhattisgarh for the offence punishable under Section 306 of the Indian Penal Code.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The case has been investigated and charge-sheet has been filed. There is no evidence on record to make out a case of abetment to commit the suicide of the deceased. The applicant is in jail since 29.5.2017. The trial of the case is likely to take some time for its final disposal. Hence, it is prayed that the applicant be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the statements of the eyewitnesses under Section 161 of the Cr.P.C. Clearly make out the case of abetment, hence, the applicant is not entitled for grant of bail.

5. Heard counsel for both the parties and perused the case diary.

6. On the basis of the contents of the case diary, it is disclosed that the deceased was the second wife of the applicant and their marriage took place for the reason that the applicant wanted a male child from the deceased. As the deceased has aborted twice, because of which she was being harassed by the applicant which led to the incident of her committing suicide. Although there are circumstances present against the applicant, but looking to the nature of case if the applicant is kept in detention for the whole period of trial this will not serve any purpose. Hence, for this reason, this application is allowed.

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 one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge