

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4677 of 2017**

Jagpati Ram S/o Ram Naresh Sahu Aged About 36 Years R/o Village
Badsara, Police Station Jhilmili, District Surajpur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Jhilmili, District Surajpur Chhattisgarh

---- Respondent

For the Applicant	:	Shri Vijay Kumar Sahu, Advocate
For the Non-applicant	:	Shri Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**01/11/2017**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 79/2017 (*wrongly mentioned as 71/2017 in the impugned order*) registered at Police Station Jhilmili, District Surajpur (C.G.) for the offence punishable under Sections 306 and 304(A) of the Indian Penal Code.
3. Case of the prosecution, in brief is that the deceased Sushila Sahu is wife of the applicant. On 29/12/2016 the mother-in-law of the deceased namely Smt. Rajkumari in the morning told to deceased Smt. Sushila Sahu to make the Roti for the tiffin of school going children, deceased Sushila Sahu denied, thus a quarrel took place between the deceased and her mother-in-law. At that time applicant

intervened and stopped deceased to continue the quarrel. Applicant scolded deceased Sushila Sahu and slapped her. After some time deceased Sushila Sahu consumed rat killer and her health was deteriorated, thus she was admitted in Hospital. Applicant took back her from his own risk in his house. On 31/12/2016 deceased died.

4. Learned counsel for the applicant submits that he has innocent and falsely implicated in the present case, charge-sheet has already been filed and the applicant is in jail since 20/05/2017, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to these circumstances and other facts of the case, there is no possibility of the tempering of the evidence, there is no possibility of the absconding of the said applicant, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
7. Consequently, the bail application of Jagpati Ram filed under Section 439 of the Cr.P.C., is allowed.
8. It is directed that if the applicant **Jagpati Ram** furnishes one solvent surety for a sum of Rs. 25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he will appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge