

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4880 of 2017**

Chandrabhas Sahu S/o Ruplal Sahu, Aged About 28 Years R/o  
 Mauharibhata, Mahasamund, P.S. And Tehsil Mahasamund, District  
 Mahasamund, CG

**---- Applicant****Versus**

State Of Chhattisgarh Through Police Station Mahasamund, District  
 Mahasamund, CG

**---- Respondent**


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| For applicant        | Mr. Manoj Paranjpe, Adv.      |
| For Respondent/State | Mr. Anil Pandey, Panel Lawyer |

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**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****3-11-2017**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. Perused the copy of the case diary produced by counsel for the State in connection with Crime No 201/2017 registered in police station Mahasamund (CG) for offence punishable under Section 306 of the IPC and also heard counsel for the parties.
3. Prosecution story in brief is that marriage between the applicant and the deceased was solemnized in the year 2014 in accordance with Hindu rites and rituals. The deceased had lodged a report against the present applicant and some other persons. Crime was registered under Section 498-A/34 of the IPC. After a compromise they were living together at Mahasamund. The applicant used to beat the deceased after consuming liquor and used to harass her. The deceased committed suicide on 29-5-2016 at about 1.15 am by setting herself ablaze by pouring kerosene. As per statement of the Smt. Purnima Sahu, mother of the deceased recorded under Section 161 of

the Cr.P.C. she had gone along with her husband to see the deceased and she had told her that everything is correct.

4. As per dying declaration of the deceased, there was a quarrel between her and the applicant because the applicant gives his entire earnings to his sister Shashi Sahu.
5. The applicant is in custody since 31-5-2017.
6. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he be released on bail.
7. On the other hand, the Panel Lawyer appearing for the State opposed the bail application.
8. Looking to the above facts and circumstances of the case, looking to the facts that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, applicant is in custody since 31-5-2017, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 20,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial, he be released on bail.
9. CC as per rules.

**Sd/-**  
**(Sharad Kumar Gupta)**  
**Judge**