

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**M.Cr.C. No. 4917 of 2017**

Dr.Kewal Krishna Vishwakarma S/o Dr.Manbharan Prasad Vishwakarma,
aged about 34 years, R/o Charama, Tehsil & District Kanker (C.G.).

--- Applicant**Versus**

State Of Chhattisgarh Through S.H.O. Police Station out post Arjuni,
District Dhamtari (C.G.).

---Non-applicant

For Applicant : Shri B.P.Singh, Advocate.

For Respondent/State : Shri D.R.Minj, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20/11/2017

1. The applicant has preferred this bail application under Section 439 Cr.P.C. in connection with Crime No.188/2017 registered at Police Station Arjuni, District Dhamtari (C.G.) for the offence punishable under Section 306 of I.P.C.
2. Present applicant is in jail since 06/07/2017.
3. The allegation as per the prosecution story against the present applicant is that, there was some sort of agreement between the present applicant and the deceased Kusumlata and that the present applicant is said to have agreed to marry the deceased Kusumlata, aged around 23 years and on the said assurance, the present applicant used to frequently visit the deceased at her house and subsequently on a fine morning the present applicant on a telephonic call made by the victim refused to marry her and on refusal of marriage, the deceased is said to have taken an extreme step of ending her life by consuming poison.
4. The counsel for the applicant states, that there is no element of any abatement or instigation on part of the present applicant with which he

could be charged for the offence under Section 306 of I.P.C. and therefore prays for the applicant to be release on bail.

5. The counsel for the State however opposing the appeal submits, that it is a case where on the assurance and agreement of marriage between the two, the present applicant used to frequently visit the deceased at her house and that there was some sort of attachment or strong relationship which have developed between the two. Subsequently the present applicant refused to marry her only taking into consideration the financial condition of the family of the deceased and by virtue of which she was so much disturbed that she took the extreme step of committing suicide.

6. Taking into consideration the submissions put forth on either side an on perusal of record this court finds, that except for the fact that there was a frequent meeting between the present applicant and the deceased, prima-facie there does not appear to be any allegation of instigation or incitement on part of the present applicant forcing the deceased to commit suicide with which the offence under Section 306 of the I.P.C. could be made out.

7. In the given facts and circumstances of the case this court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

8. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

**Sd/-
(P. Sam Koshy)
Judge**