

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 5777 OF 2017

Ramesh Kurre S/o Shri Chandrabali Kurre, aged about 27 years, R/o village Tendua, PS Navagarh, Distt. Janjgir Champa (CG).

... Applicant

Versus

State of Chhattisgarh, through Police Station Telibandha, District Raipur (CG).

... Respondent

For Applicant	:	Shri DK Gwalre, Advocate.
For Respondent-State	:	Shri D Minj, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24/11/2017

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 22.06.2017 in connection with Crime No.249 of 2017 registered at Police Station Telibandha, Distt. Raipur for the offence punishable under Section 306 IPC.
2. As per prosecution case, the applicant is said to have subjected ill treatment and cruelty with his wife and was also not taking care of the family life properly and frequently used to assault the victim which forced her to end her life by committing suicide on 09.04.2017.
3. Learned Counsel for the applicant submits that it is a case where there is no substantive material available in the case diary showing that on the date of incident or immediately prior to the date of incident the applicant had subjected her to ill treatment, cruelty or assault which had forced her to end her life. Further, all the

allegations levelled against the applicant, referring to the statements of father and mother of the deceased, appears to be vague and omnibus in nature, and therefore he may be enlarged on bail.

4. Opposing the bail application, learned Counsel for the State submits that the applicant was frequently ill treating the victim and used to assault and also abusive language continuously due to which she became desperate and ultimately ended her life by committing suicide, and therefore, the applicant may not be enlarged on bail.
5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the fact that no prima facie material is available in the case diary with which it would reveal that immediately prior to the date of incident or for that matter on the date of incident the applicant had subjected the victim to ill treatment, cruelty or assault. Further, necessary ingredients for making out an offence under Section 306 IPC is missing in the case diary, this Court is of the opinion that the present is a fit case where the applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge