

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5915 of 2017

- Sant Lal Panika S/o Dhansai, Aged About 33 Years R/o Kenapara, Baikunthpur, Police Station Baikunthpur, District Koriya Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Jainagar, District Surajpur Chhattisgarh.

---- Respondent-

For Applicant	:	Mr. Shailendra Dubey, Advocate
For Respondent	:	Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

24/10/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 160/2017, registered at Police Station- Jainagar, District – Surajpur (C.G.) for the offence punishable under Section 306/34 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that his wife the deceased- Rajkumari was living separately from 3 years prior to the date of incident. As per the facts of the case, applicant was having relationship with some other woman which was the reason of matrimonial discord between him and the deceased. As per the evidence in the

investigation, no case is made out of abetment against the applicant.

Hence, prayed that the applicant be enlarged on bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that witnesses have given statement against applicant stating that he used to torture and subject to cruelty the deceased his wife, which has resulted in her death by suicide, hence, no case is made out for grant of bail.
4. Heard both the parties and perused the case diary.
5. As per the allegations, applicant is employed as a Bus Driver and have taken some other woman as second wife. On 5.6.2017 applicant said to the deceased that he will no longer keep relationship with her and he wants to taken the children with him. On 6.6.2017 deceased left her paternal home for going to her husband's place, but on 7.6.2017 her dead body was found hanging and the dead body of 2 siblings were also found in the nearby pond. As per the contents of the case diary, the development that took place was the reason in matrimonial discord between the applicant and deceased, is one of the reason, apart from the allegations made by the witnesses.
6. Considering the facts circumstances and totality of the case, this appears that keeping the applicant continuously in jail till the conclusion of trial would not serve any purpose.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing 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, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge