

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. No. 6331 of 2017

Anil Thakur S/o Late Shri Umashankar, aged about 25 years, Occupation – Nai, R/o Village – Harrapara, P.S. & Tahsil Baikunthpur, District Korea (C.G.).

--- Applicant

Versus

State Of Chhattisgarh Through the S.H.O. Police Station Baikunthpur, District Korea (C.G.).

---Non-applicant

For Applicant	:	Ms.Indira Tripathi, Advocate.
For Respondent/State	:	Shri Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/11/2017

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.163/2017 registered at Police Station Baikunthpur, District Korea (C.G.) for the offence punishable under Section 306, 498-A/34 of I.P.C.
2. Present applicant is in jail since 14/07/2017.
3. As per the prosecution case, the present applicant - the husband of the deceased used to subject the deceased to ill-treatment and torture which crossed all limits on 24/02/2017 when she took the extreme step of committing suicide by hanging herself.
4. The counsel for the applicant submits that, the mother-in-law, co-accused in the instant case has already been granted bail. She further submits that, there was no ingredients so far as the offence under Section 306 of I.P.C. is concerned. Neither is there any substantive evidence to make out the offence under Section 498-A against the present applicant. She further submits that, the present applicant on the date of the incident

is said to have reached home in the afternoon and was served with cold food to which he got annoyed and it is alleged that he had given one slap to the deceased and went out of the house without having lunch. To this, the deceased immediately reacted by committing suicide by hanging herself. She further submits that, on the said date after the afternoon incident, he had gone back to his shop i.e. Barber shop where he was informed about the incident. She further submits that, there is no ingredients so far as any cruelty, demand of dowry etc. against the present applicant and therefore prayed for releasing the present applicant on bail.

5. The State counsel however opposing the bail application submits that, the statement of the mother of the deceased herself has made a statement against the present applicant of ill-treatment or torture and the slap which was given on the afternoon of 24/02/2017 and thus prayed for rejection of the bail application.

6. Having heard the contentions put forth on either side and on considering the nature of allegation which was levelled against the present applicant so far as the allegation of torture, ill-treatment and cruelty being general in nature and further this Court does not find the ingredients necessary for making out a case of abatement under Section 107 of I.P.C. so as to make out the offence under Section 306 of I.P.C.,

7. Therefore, 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.

Sumit

Sd/-
(P. Sam Koshy)
Judge