

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7142 of 2017**

- Sumesh Tiwari S/o Shri Sadan Tiwari, Aged About 29 Years R/o Shivanagar Beside Bandha Talab Ganjpara, Durg Tehsil And District Durg Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through District Magistrate Durg, District Durg Chhattisgarh.

---- Respondent

For Applicant	:	Shri Goutam Khetrapal, Advocate
For Respondent-State	:	Shri S.K. Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****12/12/2017**

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 on 26.08.2017 in connection with Crime No. 366/2017 registered at Police Station Pulgaon, District Durg (CG) for the offence punishable under Section 306 of the I.P.C.
2. As per the prosecution case, one Khileshwari Sahu committed suicide by setting herself ablaze on 17.08.2017. The deceased was living along with the present applicant and her husband was one Arun Sahu and because of the abetment caused by the present applicant, she committed suicide.
3. Learned counsel for the applicant submits that the dying declaration of the deceased and the statement of her mother Triveni Bai would show that the deceased was in live-in relation with the present applicant and she was

earlier married to one Arun Sahu. He would further submit that no abetment has been caused by the present applicant, which would be evident from the dying declaration of the deceased, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case-diary, statements and also the dying declaration of the deceased. Considering the same and also the fact that charge-sheet in this case has been filed, I am inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri

Judge

Ashu