

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8675 of 2016

Prashant Soni, S/o. Ram Kumar Soni, aged about 21 years, R/o. Ward No.5
Prabhat Chauk, Kumhari, P.S. - Kumhari, District – Durg (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Police Station – Kumhari, District – Durg
(C.G.)

---- Respondent

For Applicant	:	Mr. A.K. Yadav, Advocate
For Respondent	:	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

16/01/2017

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.259/2016, registered at Police Station- Kumhari, District – Durg (C.G.) for the offence punishable under Section 306 of Indian Penal Code and 3 (1) (10) of the Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution in brief is that one Nutan Joshi committed suicide by hanging. It is alleged that the present applicant was in love affair and because the marriage could not be performed, the applicant abetted the deceased to commit suicide. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case because the deceased has in-fact trying to commit suicide by consuming poison and when it was known to the family members, then they objected to it and subsequently, the deceased committed suicide by hanging. It is further submitted that

charge-sheet in this case has been filed and the applicant is in jail since 24.10.2016, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard the learned counsel for the parties.
6. Perused the case diary, documents and statement of the witnesses. It appears that the deceased was in love relation with the applicant. Considering the facts and circumstances of the case and the fact that charge-sheet in this case has been filed and the applicant is in jail since 24.10.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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 his 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/-
(Goutam Bhaduri)
Judge