

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 832 of 2018

- Shivkumar S/o Late Sukhlal Singh Kanwar Aged About 25 Years, R/o Village Rahadih (Mungadih), Police Station Pali, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, through Police Station Pali, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Non-applicant

For Applicant – Shri Lalit Jangde, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-04-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application under Section 439 of the Cr.P.C. filed by the applicant before this Court for grant of regular bail. The applicant has been arrested on 25-10-2017 in connection with Crime No.193/2017 registered at P.S. Pali, District Korba, Chhattisgarh for the offence under Section 306 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 25-10-2017. No case is made out of abetment to commit suicide against this applicant. Charge sheet has been filed after completion of the investigation. Hence, it is prayed that the applicant may be released on bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that in the dying declaration of 31-05-2017 the deceased has made direct allegation against this applicant that because of torture given by this applicant she was compelled to commit suicide. Hence, no case is made out for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, marriage of this applicant and deceased had been taken place about four years prior to the date of incident. On 30-05-2017 the deceased poured kerosene oil over her body and set herself ablaze. She was admitted for treatment in the hospital at Bilaspur where she died on 04-06-2017. First dying declaration was recorded on 30-05-2017 by Executive Magistrate in which it was stated by the deceased that the incident was accidental, whereas, second dying declaration was recorded on 31-05-2017 in which the deceased has made statement that she and her husband, the applicant had a quarrel in early morning on the date of incident and subsequent to that, she poured kerosene oil and set herself ablaze. Hence, this case.

6. Considered on the submissions made and contents of the case diary.

7. Considered on the entire evidence that is proposed against this applicant for his prosecution for offence of abetment to commit suicide. Apart from the statement about previous quarrel on the date of incident, there is no statement with respect to any previous incident of torture or cruel treatment given by this applicant to his wife, the deceased. Hence, taking into consideration all the facts present in the case, I am of this view that this applicant should be released on bail during pendency of the trial against him.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge