

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 628 of 2018**

Rajaram Kannouje S/o Shri Umendra Kannouje Aged About 24 Years By Caste Dhobi, R/o Village Lachkera, Than Fingeshwar, District Gariyaband At Present Residence of Village Birkoni, Upadhyay Nagar, Thana And Tahsil Mahasamund Civil And Revenue District Mahasamund Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Mahasamund, District Mahasamund Chhattisgarh

----Non-applicant

For Applicant	:	Mr. Sunil Sahu, Advocate
For State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****19/03/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 202/2017 registered at Police Station Mahasamund, District Mahasamund, Chhattisgarh for the offence punishable under Sections 306 & 498/34 of Indian Penal Code.
2. The present applicant is in jail since 11.09.2017 in connection with the aforesaid Crime number.
3. The case of the prosecution against the present applicant is that the present applicant along with his mother had been subjecting the deceased to torture and ill-treatment which led to her committing suicide on 27.12.2015.
4. Counsel for the applicant submits that there is no allegation of any specific nature against the present applicant and the allegations also

seem to be all omnibus and general in nature. He further submits that though the deceased committed suicide on 27.12.2015, but the F.I.R. was lodged only on 18.04.2017 i.e. after one year and four months having lapsed. There is no specific material available with the prosecution to establish the specific act of ill-treatment or torture made by the present applicant, except for the general statement being made.

5. The State counsel on the contrary opposes the bail application and submits that deceased had committed suicide in less than about 8 months time from the date of marriage and since the death was under unnatural circumstances; the obvious inference that can be drawn is the ill-treatment and torture given by the present applicant and the in-laws. She further submits that the ill-treatment and torture caused is reflected from the statements of the mother as well as the brother of the deceased.
6. Having heard the contentions put forth on either side and on perusal of record, what clearly reflects is that though the incident took place on 27.12.2015, the F.I.R. was lodged after about 1 ½ years and that the only piece of allegation is that the statements made by the family members of the deceased. Further what also reflects is that the averments made by the family members also are general in nature and omnibus and there is no specific incident mentioned in their statements, with which a direct allegation could have been established.
7. Given the facts and circumstances of the case, this Court is of the opinion that prima facie a fit case has been made out for grant of bail

to the applicant. Accordingly, the present application for grant of bail is allowed.

8. 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 before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge

Ved