

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 536 of 2018**

Vishwanath Sahu S/o S/o Shyamlal Sahu Aged About 27 Years R/o Police Station Sarkho, Tehsil Janjgir, At Present Indo Tibetan Border Police, 38 Battalion, Kharora, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through District Magistrate, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicants : Shri Sunil Otwani, Advocate.
For the Respondent/State : Shri Vivek Singhal, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****21.03.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.171 of 2017, registered at Police Station – Baloda, District – Janjgir-Champa, Chhattisgarh for the offence punishable under Section 306 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 8.11.2017 and has been falsely implicated in this case. The applicant and the deceased were engaged for marriage. The actual story is that the deceased herself had a love affair with somebody and did not want to marry the applicant. A false case was lodged subsequent to the suicidal death of the deceased. No case of abetment to commit suicide is made out against

the applicant. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that lastly, the deceased and the applicant had a telephonic talk on 31.8.2017. The mother of the deceased has stated that on 3.9.2017 she received a phone call from this applicant stating that he does not want to marry the deceased because she has a tainted character and she should die. Hence, on the basis of such evidence, no case is made out for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. It is not disputed that the applicant and the deceased were engaged. As alleged, since the applicant refused to marry the deceased, the deceased committed suicide on 3.9.2017. Except the evidence regarding the telephonic talk, no other evidence is present against the applicant. The only evidence for the prosecution of this applicant is based on the telephonic conversation that took place between the applicant and the mother of the deceased and there is no such allegation that there had been any telephonic conversation between the applicant and the deceased on the same day on which she committed suicide. Hence, looking to this evidence, I am of the considered opinion that the applicant deserves to be released on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that 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 trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge