

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 636 of 2018**

Laxminarayan Dhruv S/o Gurbal Singh, aged about 45 years, R/o village Shaila, Police Station Pali, District Korba (C.G.).

---- Applicant**Versus**

State Of Chhattisgarh, Through Police Station Pali, District Korba (C.G.).

---- Non-applicant

For Applicant	:	Shri Lalit Jangde, 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.148/2017 registered at Police Station Pali, District Korba (C.G.) for the offence punishable under Section 306 of IPC.
2. The present applicant is in jail since 17.08.2017 in connection with the aforesaid Crime number.
3. The case against the present applicant as per prosecution is that, the wife of the present applicant namely Premabai is said to have committed suicide by setting herself ablaze after pouring kerosene on 01/07/2017. The deceased died on 05/07/2017. It is said that because of the circumstances which were created by the present applicant, she took the decision of committing suicide.
4. The counsel for the applicant submits that there are three statements in the case diary. Two dying declarations, one recorded before the Court and the other recorded before the police, in addition there is

also a statement of the prosecutrix recorded while she was alive all of which shows that there is no ingredients with which the offence under Section 306 of IPC could be established and thus prayed for releasing the applicant on bail.

5. The State counsel however opposing the bail application submits that, the present applicant after having married the prosecutrix also entered into a relationship with another lady and which gave rise to fight between the present applicant and the deceased. Subsequently, the deceased is said to have poured kerosene over her and set her ablaze.
6. Taking into consideration the entire facts and circumstances of the case particularly taking note of the statement of the prosecutrix both before the police authorities as well as the dying declaration, this Court does not find prima-facie the ingredients required for making out a offence under Section 306 of IPC.
7. Thus, this Court is of the opinion that the present applicant deserve to be released on bail.
8. Accordingly, the application for grant of bail is 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 before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge