

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 848 of 2018**

Premal Panika S/o Keval Prasad Panika (Kashipuri) Aged About 31 Years
R/o Village Tanera, Bandhwapara Chowki, Korbi, P.S. Pasan, District Korba
Chhattisgarh, District : Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station
Pasan, Chowki Korbi District Korba Chhattisgarh, District : Korba,
Chhattisgarh.

---- Respondent

For the Applicant : Shri Jitendra Shrivastava, Advocate.
For the Respondent/State : Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.04.2018**

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.90 of 2017, registered at Police Station – Pasan, Chowki Korba, District – Korba, 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 17.11.2017 and he has been falsely implicated in this case. Deceased – Geeta Bai, wife of the applicant got burn injuries accidentally, which resulted in her death. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The marriage of the applicant and the deceased was about 12 years old and

there is no ground to draw any presumption under law. 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 there is sufficient evidence against this applicant for the prosecution under Section 306 of the Indian Penal Code. Hence, 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. As per the case of the prosecution, the deceased set herself ablaze by pouring kerosene oil over her body on 21.10.2017. She was admitted in the hospital for treatment but she died on the same day during treatment. After completion of inquest procedure, the FIR was lodged. Hence, this case.

6. Considered the entire material of the case-diary. Although, there is some statement of the witnesses that the applicant used to harass his wife during the period when she was alive, but it has to be determined by the trial Court on the basis of the evidence brought before it, whether it would be the case of abetment to commit suicide. Hence, for these reasons, I am of the considered view that the applicant deserves to be released on regular bail.

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

8. 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