

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7721 of 2017**

Bajrangi Tanti, S/o. Baleshwar Tanti, Aged About 28 Years, R/o. Village Navinagar, Post- Manjhwe, District -Jumai, P.S.- Jumai, Bihar At Present Subhash Nagar, Krishna Colony Gandhinagar, District -Surguja Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Police Station - Gandhinagar, District Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sandeep Dubey, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**23/02/2018**

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.295/2017, registered at Police Station – Gandhinagar, District – Surguja (C.G.) for the offence punishable under Section 306 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Deceased committed suicide by hanging herself because of petty dispute between husband and wife as the deceased was cooking rice to which applicant has objected. No case is made out on the basis of the

material present in the charge-sheet filed against him. Applicant is in jail since 04.09.2017, hence, under these circumstances, it is prayed that the applicant be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that there is sufficient evidence against the applicant. Applicant used to torture the deceased - his wife and soon before her death, he and deceased had a quarrel between them, hence, there is clear evidence of abetment to commit suicide, because of which he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Brief facts of the case are that about four years prior to lodging of FIR, marriage of applicant and deceased took place. It is alleged that soon after the marriage, applicant used to beat and assault the deceased, for the reason that he dis-liked her and wanted to marry again. Some quarrel took place on the day before the incident, in the intervening night of 23-24/05/2017, the deceased committed suicide by hanging herself. Enquest procedure was taken up, but FIR was lodged after four months and the statement of the witnesses have been recorded on 08.10.2017.
6. Considered the submissions made and the contents of the case diary. Considering the entire material present in the case diary, looking to the progress that has taken place in this case from the day of incident to lodging of FIR and late recording of the statement of the witnesses, hence for this reason, this Court is of the opinion that present is a fit

case, in which, the applicant should be enlarged 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram