HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7781 of 2017

- Tamradhwaj Yadav S/o Shri Jagdish Yadav Aged About 40 Years R/o Village Sargaon Police Station Chowki Sargaon Police Station Patharia Mungeli District Mungeli Chhattisgarh. , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Patharia District Mungeli Chhattisgarh. , Chhattisgarh

---- Respondent

For Applicant : Mr. Dheerendra Pandey, Advocate.

For Respondent : Mr. N.K. Mehta, 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. 217/2016, registered at Police Station- Patharia, District – Mungeli (C.G.) for the offence punishable under Section 306 of Indian Penal Code (for short 'IPC').

2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case on the basis of statement given by the mother of the deceased after 12 days from the date of incident. No case is made out against this applicant. Applicant is in jail since 14.7.2016 and the trial against him has not yet completed. Hence, it is prayed that he may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that statements of witnesses are clearly against this applicant that he used to torture the deceased and thereby abetted commission of suicide by the deceased. No case is made out for grant of regular bail.

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

5. Deceased and this applicant were married about 14 to 15 years prior to the date of incident i.e. on 30.6.2016 when deceased Son Bai set herself ablaze. The deceased was admitted in the hospital where she made statement before the witnesses that she was tortured by her husband, who used to doubt her character and used to beat her and out of that frustration she had burnt herself.

6. Considering the entire material present in the case diary and looking to the period of detention of this applicant and that the trial against him is not yet concluded and further considering the fact that the applicant is a local resident of District Mungeli because of which there is no likelihood of his absconsion, I am of this view that this is a fit case where applicant should be enlarged on regular bail during the pendency of trial against him.

7. Accordingly, the first bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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

Nisha