

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 1171 of 2018**

Bhupesh Sinha S/o Jageshwer Sinha Aged About 21 Years R/o.
Ward No. 09, Mahalpara Pithora, Tahsil Pithora, And District-
Mahasamund (C.G.),

---- Applicant**Versus**

State Of Chhattisgarh Through- P.S. Pithora, District- Mahasamund
(C.G.),

----Non-applicant

For Applicant	:	Mr. Utkal Pradhan, Advocate
For State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****09/04/2018**

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. 182/2017 registered at Police Station Pithora, District Mahasamund, Chhattisgarh for the offence punishable under Section 306 of the Indian Penal Code.
2. The present applicant is in jail since 23.10.2017 in connection with the aforesaid Crime number.
3. The allegation against the present applicant as per the case of prosecution is that present applicant used to subject his wife to ill-treatment and torture after consuming alcohol and ultimately the deceased committed suicide by hanging herself on 12.09.2017.
4. The counsel for the applicant submits that the marriage of the applicant with the deceased took place at around 4 months back. He submits that there is no strong material available in the case diary with which the offence under Section 306 could be made out. He

submits that there is no direct evidence available on record to show that there was an element of abatement in the commission of the suicide by the deceased on the part of the present applicant and thus prayed for the applicant to be released on bail.

5. The State counsel submits that there are statements of the family members of the deceased wherein they have said that the present applicant was in the habit of consuming alcohol and after consuming alcohol he used to ill-treat, assault and torture the deceased which led to the commission of the offence.
6. Taking into consideration the omnibus and general allegations being made by the witnesses and also considering that there was no strong material prima facie to indicate the element of abatement on the part of the present applicant to force the deceased to commit suicide, this Court is of the opinion that prima facie a fit case has been made out for grant of bail to the applicant. Accordingly, the present application for grant of bail is allowed.
7. 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