

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7381 of 2017

- Manoj Sahu S/o Jageshwar Sahu, Aged About 25 Years, R/o Village Udena, Police Station Arjuni, Tahsil And District Dhamtari Chhattisgarh. , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Magerlod (as per Challan), District Dhamtari Chhattisgarh. , Chhattisgarh

---- Non-applicant

For Applicant – Shri Pushpendra Kumar Patel, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-01-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant has been arrested on 10-07-2017 in connection with Crime No.134/2017 registered at Police Station Magerlod, District Dhamtari, C.G. for the offence under Section 306, 498 of the IPC.

2. It is submitted on behalf of the applicant that the applicant is innocent and he has been falsely implicated in this case. Deceased Parmeshwari, the wife of the applicant, was suffering from mental disease, for which she had been treated; this fact reflects from the statement of the witnesses and also the statement of the deceased herself before the police which was recorded soon after the incident. No case is made out against the applicant. Hence, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that there is clear statement of the deceased that the applicant used to torture and harass her, which had been the reason why she committed suicide. Hence, the applicant is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. Deceased Parmeshwari set herself ablaze on 19-04-2017 and died on 11-05-2017 during the course of treatment. In the meanwhile, her statement was recorded by the police, in which, she held her husband responsible for the incident.
6. Considered on the submissions made and contents of the case diary.
7. In the statement under Section 161 of the Cr.P.C. of the father of the deceased he has admitted that the deceased was admitted to mental hospital for treatment and her treatment was continuing. Hence, taking into consideration the facts and circumstances of this case, I am of this view that the applicant deserves to be enlarged on bail.
8. Consequently, the application (MCRC No.7381/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby 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 as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge