

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1324 of 2018

Bhagwat Prasad Sinha, S/o. Late Ramlal Sinha, Aged About 39 Years,
R/o. Village- Kundel, Post Office & Police Station- Fingeshwar, District-
Gariyaband, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station-
Rajim, District- Gariyaband, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent : Mr. S.K.Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23.02.2018

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.234/2016 registered at Police Station- Rajim, District Gariyaband (C.G.) for the offence punishable under Section 306 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 31.07.2016 the applicant was abusing his wife the deceased Triveni and entered into an altercation; thereby she poured Kerosene on her and set herself ablaze. Therefore, the applicant has abetted for commission of crime.
3. Learned counsel for the applicant submits that this is the third bail application, first bail application was dismissed as withdrawn on 06.02.2017 and second was dismissed as withdrawn on 06.07.2017, thereafter, the order sheet would reveal that after 10.10.2017 no evidence has been recorded and the witness have not turned up despite the fact that summons were issued and the

applicant is in jail since 07.10.2016; therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the order sheet. Considering the fact that no evidence could be recorded after 10.10.2017 and before that approximately 10 witnesses have been examined and further taking into the period of detention as the applicant is in jail since 07.10.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on 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/-
(Goutam Bhaduri)
Judge