

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6373 of 2017**

Prahlad Suryavanshi S/o Late Ramratan, Aged About 33 Years R/o Village Ghuru, Police Station Chakarbhata, Tahsil Thakatpur, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Chakarbhata, Tahsil Thakatpur, District Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Malay Shrivastava, Advocate.
For the Respondent/State	:	Shri Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.01.2018**

Heard.

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. 310 of 2017, registered at Police Station Chakarbhata, Tahsil Thakatpur, District Bilaspur, Chhattisgarh for the offence punishable under Section 306 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 26.07.2017 and he has been falsely implicated in this case. The incident of suicidal death of wife of the applicant took place on 29.6.2015 whereas the FIR has been lodged against him on 26.7.2017, after lapse of more than two years which itself shows that a concocted case has been made against the applicant. Statements of the witnesses have been recorded in the year 2017 and there is no prior statement of any of the

witnesses and also there is nothing before lodging of FIR to show that the applicant has been torturing or abetting the deceased to commit suicide. The conclusion of the trial is likely to take some time for its final disposal. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the statements of the witnesses under Section 161 of the Cr.P.C. are clear and categorical against the applicant that he has abetted the suicide of the deceased by continuously torturing her with cruelty. Hence, under these circumstances, the applicant is not entitled for grant of bail.

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

5. Deceased – Sarita Suryavanshi self immolated on 28.6.2015 and died on 29.6.2015. Merg enquiry was conducted but the FIR has been registered after two years. In the investigation, the witnesses have stated that the applicant used to torture the deceased by beating and abusing her because of which, she committed suicide.

6. Considering the submissions and the contents of the case-diary, statements of the witnesses recorded in the case soon after the incident in the year 2015 and delay in lodging of FIR, I am of the considered opinion that the applicant deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C.

is allowed.

8. 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 local 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