

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 7422 of 2017**

Amrit Kumar Shandilya S/o Shri Vakilchand, aged about 25 years,
R/o Church Road, Navapara, Ambikapur, P.S. Gandhi Nagar, Tahsil
Ambikapur, District Sarguja, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through the Station House Officer, Police
Station City Kotwali, Bilaspur Chhattisgarh

---- Respondent

For Applicant : Shri Shyam Sunder Lal Tekchandani, Advocate
For Respondent/State: Shri Anand Dadariya, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****02/01/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who has been arrested in connection with Crime No. 258/2017 registered at Police Station City Kotwali, Bilaspur (CG) for the offence punishable under Sections 306, 34 of IPC

2. The case, as per the prosecution, against the present applicant is that he along with co-accused Mamta Paikra is said to have acted in a manner which compelled deceased Priti Mishra to commit suicide by hanging herself in her room where she was residing. As per the prosecution, it is a case where deceased Priti Mishra and co-accused Mamta both fell in love with the present applicant Amrit Kumar and in the process, co-accused Mamta is said to have threatened Priti Mishra of dire consequences and also of defaming her at her home, which led Priti Mishra to commit suicide.

3. Counsel for the applicant submits that if the entire contents of the case diary are accepted, even then the ingredients required for making an offence under Section 306 of IPC are not available in the case diary and that the necessary ingredient of abetment as is required under Section 107 of IPC also does not find place in the contents of the case diary. Thus, prayed for the applicant to be released on bail.

4. State counsel, however, opposing the bail application submits that during the course of investigation, a diary was recovered where there is an endorsement of the deceased that she is committing suicide on account of co-accused Mamta and the present applicant.

5. Taking into consideration the entire facts and circumstances of the case particularly the nature of allegation levelled against the applicant, this Court is of the opinion that prima facie, the ingredients necessary to prove the case under Section 306 of IPC as also under Section 107 IPC are not available and therefore, the present applicant deserves to be released on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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 trial Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE