

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1629 of 2018

- Budhelal Patle S/o Suduram Patle Aged About 48 Years R/o Khamhariya (Malda) Out Post Raveli, Police Station Nandghat, District Bemetara Chhattisgarh Presently At Itwari Bazar, Birgaon, Police Station Urla, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Urla, District Raipur Chhattisgarh

---- Respondent

For Applicant : Shri B.L. Sahu, Advocate.

For Respondent/State: Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

06/08/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 36/2018, registered at Police Station Urla, District Raipur (C.G.), for the offence punishable under Section 306 of the Indian Penal Code.
2. As per prosecution story, the applicant is the husband of the deceased namely Babita Patle, they were married in the year

2009. Out of their wedlock they have one son namely Devendra Patle aged about 8 years. On 05-08-2017 deceased Babita Patle poured kerosene oil on herself and set herself on fire. During treatment, she has died on 09-08-2017. It is alleged that applicant after consuming liquor committed fighting with the deceased, therefore, she committed suicide. Offence under Section 306 of the IPC has registered against the applicant.

3. Learned Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case and no prima facie case under Section 306 of the IPC is made out against the applicant as there is no instigation on the part of the applicant to force the deceased for committing the suicide. He further submits that the charge-sheet has already been filed and the applicant is in custody since 19.01.2018 and trial will likely to take some time, therefore, the applicant may released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary minutely.
6. Considering the above facts and circumstances of the case, further considering the fact that the charge-sheet has already been filed, applicant is in custody since 19.01.2018 and trial will likely to take some time, without further commenting on merit of the case, I am inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed.

8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-

(Arvind Singh Chandel)

Judge