

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2331 of 2018**

Bhola Bhardwaj S/o Shri Girilal, Aged about 34 years, R/o Village – Ghutkupali, P.S. - Pussour, Tahsil and District – Raigarh (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through : S.H.O. of the Police Station – Pussour, Tahsil and District - Raigarh (C.G.)

---- Non-applicant

For Applicant	:	Mr. Abhishek Saraf, Advocate.
For Non-applicant/State	:	Mr. R.N. Pushty, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****15/05/18**

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 have been arrested in connection with Crime No.24/2018 registered at Police Station Pussour, Tahsil and District Raigarh (C.G.) for the offence punishable under Section 304(B) of the Indian Penal Code.

2. Case of the prosecution, in brief, is that the applicant's wife who was aged about 30 years committed suicide on 04-04-2017 by pouring Kerosene oil on her body and set her on fire and thereby the applicant committed the aforesaid offence.

3. Learned counsel for the applicant would submit that marriage of the applicant was solemnized in the year, 2007 and he has two sons and two daughters to look after them as such he has been falsely implicated in crime

in question, the applicant has not instigated to commit suicide, he is in jail since 26-02-2018, therefore, the applicant may be released on regular bail.

4. On the other hand, learned counsel appearing for the State while opposing the bail application would submit that the applicant has instigated the deceased, therefore, the applicant is not entitled for bail.

5. I have heard learned counsel appearing for the parties, considered rival submissions and perused the case diary.

6. Taking into consideration the facts and circumstances of the case, further taking into consideration the nature and gravity of the offence, and the marriage of the applicant was solemnized 10 years prior to the date of commission of suicide by the deceased, particularly the applicant has four children to look after, pre-trial detention and the material available on record, this Court is of the opinion that present is a fit case in which the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is 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 trial Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge