

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 2395 of 2018

- Brijesh Kumar S/o Jagan Ram Aged About 24 Years R/o- Bada, Police Station- Shankargarh, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Shankargarh, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant : Shri Rahul K. Mishra, Advocate.
For Respondent/State : Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

30/07/2018

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. 43/2017, registered at Police Station Shankargarh District Balrampur-Ramanujganj (C.G.), for the offence punishable under Section 306 of the Indian Penal Code.
2. As per prosecution story, marriage of the applicant and the deceased Jankumari was performed about 6-7 years before the incident and there was no issue between them. It is alleged that on 01-11-2016 deceased Jankumari set herself on fire and sustained burn injuries, applicant had taken her to the hospital and during course of treatment she has died on 07-11-2016.
3. On the basis of merg enquiry on 22-07-2017 FIR has been lodged by the Police and offence under Section 306 of the IPC has been lodged.
4. Learned Counsel appearing on behalf of the Applicant submits

that the applicant is innocent and he has been falsely implicated in the present case, there were no previous complaint and dispute between the deceased and the applicant. Applicant has never instigated or abetted the deceased for committing suicide. He further submits that essential ingredients of abatement as defined under Section 107 of IPC is not made out against the applicant. Charge-sheet has already been filed and the applicant is in custody since 24-11-2017 and trial will likely to take some time, therefore, the applicant may released on bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties and perused the case diary minutely.
7. Considering the above facts and circumstances of the case, evidence collected by the prosecution, particularly considering the detention period of the accused/applicant, without further commenting on merit of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 50,000/- 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