

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC(A) No. 511 of 2018**

- Nagendra Nayak S/o Bhojram Aged About 25 Years R/o Ward No.1, Baramkela, P.S. and Tehsil Baramkela District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, District Raigarh, Chhattisgarh.

---- Respondent

For the applicant	: Mr. Raghvendra Pradhan and Shikhar Sharma, Advocates.
For the respondent/State	: Mr. Sanjeev Pandey, G.A.

Hon'ble Shri Justice Ram Prasanna Sharma
Order on Board

28-6-2018.

1. The applicant has preferred this bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 53/2018, registered at Police Station Baramkela, District Raigarh(CG) for the offence punishable under Section 306 of the I.P.C.
2. As per prosecution case deceased Gita Nayak was wife of the applicant and applicant had tortured her before the date of incident that was sarcastic for her and on instigation of the applicant, she committed suicide.
3. Learned counsel appearing for the applicant submits that the applicant has not participated in any such act of abetment and there is no prima facie case against the applicant for commission of offence. He prays that the applicant may be extended benefit of anticipatory bail.

4. On the other hand, learned State counsel opposes the bail application. He submits that in the statement recorded under Section 161 Cr.P.C. there is prima facie evidence that the applicant threatened the deceased and ousted the deceased from house, that is why she committed suicide by pouring kerosene on her body and setting her ablaze.
5. I have heard learned counsel for the parties and perused the case diary with utmost circumspection.
6. Considering the facts and circumstances of the case, particularly the fact that report was lodged on next date of incident, I am of the opinion that present is not a fit case to extend the benefit of Section 438 Cr.P.C. to the applicant.
7. Accordingly, the bail application filed under Section 438 of the Cr.P.C. is rejected.

Sd/
(Ram Prasanna Sharma)
JUDGE