

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3180 of 2018

Panna Lal Yadav S/o Bhola Ram Yadav Aged About 35 Years R/o Village
Pandripanidih, Post Office And Police Station Chhura, District Gariyaband
Chhattisgarh **---- Applicant**

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Chhura, District Gariyaband Chhattisgarh **--- Respondent**

For Applicant	:	Shri Shivendu Pandya, Advocate
For Respondent/State	:	Shri Manish Nigam, PL

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/05/2018

Heard.

1. The applicant has been arrested in connection with Crime No.13 of 2017 registered at Police Station- Chhura, District Gariyaband (CG) for the alleged commission of offence under Section 306/498 (A) of IPC.
2. The application has been repeated by the applicant on the submission that the applicant has remained in jail for the last more than 1 year and 3 ½ months.
3. Learned counsel for the applicant submits that the allegation against the applicant are omnibus in nature and all that can be said against the applicant was that he was in a drunken state at the time when he used to beat his wife. It is submitted that the nature and degree of offence is not of such a nature as to take the colour of instigation and therefore, no abetment under Section 107 of IPC. The applicant has remained in jail for a long time and 12 witnesses, out of 19 witnesses have already been examined and the applicant has arguable case that at the most offence under Section 498-A alone would be made out.
4. On the other hand, learned counsel for the State submits that as the allegations are that the applicant used to beat his wife in drunken state,

prima facie case is made out.

5. Having considered the submission of learned counsel for the parties, particularly taking into consideration that the applicant is in jail since 28.01.2017 and trial has not been concluded till date and further taking into consideration the submission that even if an incident of cruelty is proved, the applicant has arguable case that it is not a case of Section 306 of IPC but only a case of Section 498 -A of IPC, the application is allowed.
6. It is directed that the applicant shall be released on bail on him furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge