

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 4158 of 2018**

Vikas S/o Shri Johan Prasad Satnami, Aged About 21 Years R/o Village Ghonghapara, Police Station Lalpur, Tehsil Lormi, District Mungeli Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through Station House Officer, Police Station Lalpur, District Mungeli Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. Anish Tiwari, Advocate
For State	:	Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****05/07/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 228/2017 registered at Police Station Lalpur, District Mungeli, Chhattisgarh for the offence punishable under Section 306/34 of Indian Penal Code, 1860.
2. The present applicant is in jail since 24.10.2017 in connection with the aforesaid Crime number.
3. The allegation against the present applicant as per the case of prosecution is that the present applicant and other co-accused persons is said to have been subjecting the deceased to ill-treatment, torture on account of some ailment that she was suffering from, which ultimately forced her to end her life by committing suicide after setting herself ablaze.
4. The counsel for the applicant submits that along with the present applicant, his mother and father both were also charged of the said

offence and this Court has already granted them the advantage of bail in MCRC No. 1150/2018 vide order dated 18.04.2018. He further submits that the nature of allegations, which have been made against the present applicant are similar and identical in nature as against the allegations, which have been leveled against his mother and father. He further submits that even if the entire version of the prosecution is accepted, even then the ingredients of abatement which is necessary for constituting an offence under Section 306 of the Indian Penal Code is not available and therefore the present applicant deserves grant of bail.

5. The State counsel however opposes the bail application and submits that there are statements of the parents of the deceased and also an affidavit by the father of the deceased alleging serious allegations against the present applicant of ill-treating the deceased and also torturing her on account of ailment that she was suffering from, therefore the bail application of the present applicant deserves to be rejected.
6. Having heard the contentions put forth on either side and on perusal of the case diary what clearly reflects from the statement of the parents of the deceased is that they have not in any manner stated of any abatement, incitement or situation being created by the present applicant, which has led the deceased to commit suicide. Even the statement of the father of the deceased refers to some disputes that took place around two years prior to the date of incident. No immediate reference of any ill-treatment or torture was referred in the statement of the parents.

7. Given the facts and circumstances of the case, this Court is of the opinion that prima facie a strong case has been made out for grant of bail to the applicant. Accordingly, the present application for grant of bail is allowed.
8. 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 Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge

Ved