

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4289 of 2018**

Alok Vishvakarma, S/o. Shri Surendrapal Sharma, Aged About 32 Years, R/o.- Gol Bazar Pakdi, P.S. Gagaha, Post- Khirkhita, District- Gorakhpur, U.P. Present- R/o- Near Rastogi College, Simlex Engineering Unit-3, Tedesara, P.S. Somni, District- Rajnandgaon.

---- Applicant**Versus**

State Of Chhattisgarh, Through- SHO Police Station, Supela, District- Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. B.P. Singh, Advocate
For Respondent	:	Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****23/07/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.433/2018, registered at Police Station- Supela, District – Durg (C.G.) for the offence punishable under Section 306 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 03.05.2018. No case is made out against the applicant on the basis of the material present on record to involve the applicant in the crime in question. The death of the deceased has taken place after completion of 8 years of marriage with this applicant and according to the dying declaration given by the deceased, it is clear that she has committed suicide due to frustration for which this applicant is not responsible. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. As per the prosecution case, marriage of the deceased with this applicant had taken place in April, 2008. On 06.05.2016, the deceased immolated herself and she died during the course of treatment on 07.05.2016. In the meanwhile, dying declaration was recorded in which she has stated that before her death, she had quarrel with her husband. Subsequently, morgue intimation was recorded. Morgue enquiry was kept pending for almost two years and lastly FIR has been lodged 03.05.2018 registering the case against this applicant. Hence this case.
6. Considered the submissions made and the contents of the case diary. Considering on all the material present in the case diary against this applicant and further considering the facts and circumstances of the case, 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 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge