

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5230 of 2018**

Alok Tiwari S/o Shri Omprakash Tiwari Aged About 26 Years Occupation Computer Engineer, Caste Bramhin, R/o Village Amatoli, (College Road) P. S. And Tahsil Sitapur District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Sitapur District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Shakti Raj Sinha, Advocate.
For the Respondent/State	:	Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.08.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.17 of 2018, registered at Police Station – Sitapur, District Surguja, Chhattisgarh for the offence punishable under Section 306 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 02.05.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. Statements of the witnesses only raise doubt but

do not confirm that the deceased has died because of the torture given by the applicant. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. The applicant and deceased – Priyanka Tiwari got married on 26.4.2016. Both were living separately. On 17.11.2017, the deceased consumed poison because of which, she was admitted in the hospital and she died on 19.11.2017 during the course of treatment. Subsequent to that, father of the deceased gave a statement that it may be because of torture given by the applicant telephonically to the deceased she has committed suicide.

6. After overall consideration of all the material present in the case-diary, I am of the considered opinion that the applicant deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi