

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5495 of 2018**

- Hinchha Ram Dewangan S/o Sarju Ram Dewangan Aged About 30 Years R/o- Malidih, Police Station Arang, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station Arang Civil And Revenue District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	: Mr. P.K. Patel, Advocate
For State/respondent	: Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/09/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.146/2018 registered at Police-Station-Arang, District-Raipur(C.G.) for the offence punishable under Section 306 of the Indian Penal Code.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against him according to the material present against him. After completion of investigation, charge-sheet has been filed against him. Hence, it is prayed that he may be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that there is clear evidence against the applicant that he used to quarrel and torture the deceased because of which she has committed suicide. Hence, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The marriage of appellant with the deceased took place in the year 2009, it is alleged that this applicant always coming inebriated condition and doubting on the chastity of the deceased, he used to beat and thrash her. On 24.4.2018, the deceased self immolated herself and was admitted in the hospital where she subsequently died on 30.4.2018. No dying declaration has been recorded in this case. The FIR was lodged on 23.4.2018 and the first statement of the witnesses were recorded on 24.5.2018, in which, allegation of torture and cruel treatment has been made against the applicant. Hence, this case.
6. Considering the entire material present in the case diary, I am of the view that this is a fit case where applicant should be released on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C.

are allowed. It is directed that 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 trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha