

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5987 of 2017**

Nageshwar @ Sonu Dahariya, S/o. Tikaram Dahariya, aged About 25 Years,
R/o. Village Amartal, Police Station - Akaltara, District – Janjgir-Champa
Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : District Magistrate, Janjgir, District – Janjgir-
Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sumit Singh, Advocate

For Respondent/State : Mr. Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**08/01/2018**

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.129/2017, registered at Police Station – Akaltara, District – Janjgir-Champa (C.G.) for the offence punishable under Section 306/34 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. Applicant and deceased had relationship and then deceased was having parallel relationship with one co-accused Sandeep Ray. There is no substance in the case of prosecution against the applicant on the basis of which, he can be held liable for abetment to commit suicide. It is further

submitted that the co-accused Sandeep Ray has been discharged by the trial Court. Applicant is in jail since 07.07.2017, he is a local resident and ready to abide by all the conditions while granting bail, therefore, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that according to the statement of the witness, applicant had been threatening the deceased to defame her, hence, this is sufficient evidence for abetment to commit suicide, therefore, it is prayed that the applicant may not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Deceased – Rina Devi committed suicide by self immolating her in the morning of 11.06.2017. On the night previous to that, applicant and the co-accused Sandeep Ray both were present in the house of the deceased and both had quarrel with each other as both were having illicit relationship with the deceased. It is alleged that applicant was the person, who threatened the deceased that he will defame her and also gave beating to her.
6. Considered on the submissions made and the contents of the case diary. Taking into consideration the facts and circumstances of the case and further considering the fact that no purpose would be served, if the, applicant is kept in detention till the conclusion of trial, hence, for this reason, 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 the Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge