

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 7970 OF 2018

Poonamchand @ Chandu Verma, S/o Shri Ambalal, aged about 25 years, R/o village Pandar, Tehsil and Thana, Patan, District Durg (CG).

... Applicant

Versus

State Of Chhattisgarh Through District Magistrate, District Durg (CG).

... Respondent

For Applicant	:	Shri Ashutosh Mishra, Advocate.
For Respondent-State	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P.Sam Koshy

Order on Board

12/11/2018

1. This is first bail application seeking for grant of bail to the Applicant who is in jail since 19.08.2018 in connection with Crime No. 141 of 2018 registered at Police Station, Patan, Distt. Durg for the offence punishable under Section 306 IPC.
2. The allegation against the applicant is that the present applicant is said to have subjected the deceased to such level of ill treatment which ultimately forced her to commit suicide by setting herself ablaze on 25.05.2018.
3. The counsel for the applicant submits that it is a case where the incident took place on 25.05.2018 but the FIR has been lodged after about three months i.e. on 18.08.2018. The prosecution has not been able to collect any material which could establish the offence under Section 306 IPC.
4. The State counsel opposing the bail application submits that it is a case where death took place in less than three months time from the date of marriage and that the death was unnatural circumstances.

Further, there is a statement of father of the deceased who has stated that the present applicant used to subjected her to ill treatment and torture right from the time of marriage which ultimately led her to commit suicide. Therefore, the applicant should not be released on bail.

5. Having heard the counsel on either side and on perusal of records particularly taking note of the fact that father's statement was first recorded on 25.05.2018 i.e. on the date of incident itself wherein he has not made any allegation against the applicant who was is son in law. On the contrary, in the said statement there is a reference of the deceased being kept well by the applicant and she was having a normal married life at the matrimonial place. The subsequent statement of the father has been recorded after about three months i.e. on 18.08.2018 where there is totally a different stand that the father has taken unlike what he has taken at the first instance.
6. Given the said facts and circumstances of the case, prima facie this court is of the opinion that a strong case is made out for grant of bail.
7. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P.Sam Koshy)
Judge