

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7854 of 2017

- Manindra Paal Singh Tanwar S/o Late Milap Singh Tanwar, Aged About 34 Years R/o Mongra Basti, Thana Banki Mongra, District Korba, Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Korba, Police Station Banki Mongra, District Korba, Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Vikas Pandey, Advocate.
For Respondent/State	:	Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/04/2018

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.122/2017, registered at Police Station- Banki Mogra, District – Korba(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 falsely been implicated in this case. After completion of investigation, charge-sheet has been filed. The main witness in this case Ku. Vanshika has been examined before the Court and she has been declared hostile by the prosecution for not supporting the case of prosecution. Hence, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that this applicant had tortured his wife the deceased soon before her death, hence, case of abetment to commit suicide is made out.
4. Heard both the parties and perused the case diary.
5. According to the prosecution case, the marriage of applicant and deceased Laxmi Tanwar took place in the year 2007. On 13.8.2017 deceased committed suicide by hanging herself. After morgue inquiry, FIR was lodged on 27.7.2017 on the basis of the statement given by Ku. Vanshika daughter of this applicant and the deceased. Hence, this case.
6. Considered on the entire material present in the case diary and also perused the certified copy of the deposition of Ku. Vanshika has been filed which shows that prosecution has discredited this witness, who happened to be the main witness in this case. Hence, after due consideration, I feel incline to grant bail of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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 Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha