

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7820 of 2017

- Ramkumar Nayak S/o Rambali Nayak, Aged About 28 Years, R/o Village Sarseni, Tahsil Bilha, Police Station Hirri, District Bilaspur Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Bilaspur Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicant – Shri Vikrant Pillay, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 09-09-2017 in connection with Crime No.165/2017 registered at P.S. Hirri, District Bilaspur, Chhattisgarh for the offence under Section 306 of the IPC.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated in this case. No case is made out against him on the basis of material present in the charge sheet. The applicant and his wife, the deceased, although had some dispute earlier, because of which, a compromise was entered into between them on 10-08-2014 before the elders of the caste society. Subsequent to that, on 26-05-2016 the deceased filed a complaint before the S.P., Janjgir-Champa making allegation of cruel treatment against the applicant, but she withdrew the same after six months. There is no evidence to show that the applicant tortured or treated the deceased cruelly soon before her death. The applicant is in jail since 09-09-2017 and he is ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. On 22-08-2017 deceased Shivkumari committed suicide by consuming some poisonous substance. After inquest and postmortem, the FIR was lodged against this applicant stating that the applicant used to torture and beat the deceased doubting her character, hence, it was he whose conduct abetted the deceased to commit suicide on the date of incident.
6. Considered on the submissions made and the contents of the case diary.
7. Considering on the entire material present in the case diary and the facts that no external injury was found on the body of the deceased in the postmortem examination, I am of this view that the applicant should be released on bail during pendency of the trial against him.
8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge