

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7937 of 2017**

Birbal Singh S/o Jagnarayan Singh, Aged About 28 Years R/o Village Kochka, P. S. And Tahsil Khadgawan, District Korea Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Khadgawan, District Korea Chhattisgarh.

---- Respondent

For the Applicant : Shri Pawan Shrivastava, Advocate.
For the Respondent/State : Shri Neeraj Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.01.2018**

Heard.

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.103 of 2017, registered at Police Station – Khadgawan, District – Korea, Chhattisgarh for the offence punishable under Section 306 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 19.09.2017 and has been falsely implicated in this case. The deceased, who is the wife of the applicant, has committed suicide because she was suffering from illness of abdomen pain since long and no case is made out against the applicant. The applicant is ready to abide by all the conditions imposed on him. Hence, it is prayed that the applicant be enlarged 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 all the witnesses have clearly stated that the deceased was subjected to torture and cruel treatment within 7 years of the marriage and in this case presumption can be drawn under Section 113A of the Cr.P.C. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. On 18.5.2017, deceased – Ramkali committed suicide in her matrimonial home by hanging and in this way her unnatural death took place within 7 years of marriage. In the inquest conducted these witnesses have stated that the applicant used to quarrel with the deceased and used to harass and torture her, because of which she committed suicide.

6. Considering the submissions and the contents of the case diary, looking to the nature of this case and also that the applicant has responsibility to look after the minor children and the conclusion of the trial is likely to take some time for its final disposal, I am of the considered opinion that the applicant deserves to be released on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi