

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 477/2019

Reserved on 24-4-2019

Delivered on 26-4-2019

- Ajit Singh S/o Sahat Ram Gond Aged About 32 Years R/o Village Amalbitthi (Devitikra), P. S. Darima, District Surguja CG

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Darima, District Surguja CG

---- Respondent

For applicant Mr. Jitendra Shrivastava, Adv.
For non-applicant/State Mrs. M. Asha, Panel Lawyer.

Hon'ble Shri Justice Sharad Kumar Gupta

CAV ORDER

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No 119/2018 registered in police station Darima, Distt. Surguja (CG) for offence punishable under Section 306 of the IPC.
3. Prosecution story in brief is that deceased Andeshia was wife of applicant. Marriage of applicant and deceased was solemnized 10 years ago. Applicant used to beat the deceased after consuming liquor. On 27-6-2018 he had made quarrel with her. Consequently on the same day she committed suicide by hanging herself.
4. Counsel for the applicant argued that the applicant is innocent and has been falsely implicated. In the case in hand, provisions of Section 107, IPC do not attract. He placed reliance on the decisions of Hon'ble Supreme Court in **Swamy Prahaladdas -v- State of Madhya Pradesh** [1995 SCC (Cri) 943] and in **Sanju @ Sanjay Singh Sengar -v- State of M.P.** [2002 (5) SCC 371]. Hence applicant be released on bail.
5. On the other hand, the State Counsel opposed the bail

application. He further submits that no criminal antecedent has been reported against applicant in the police case diary.

6. In the case in hand the circumstance is not like that applicant remarked deceased to go and die. Moreover, at this stage it cannot be said that alleged cruelty is not direct cause of suicide of deceased.
7. Looking to the above mentioned facts and circumstances of the case, the seriousness of the offence, and the impact of granting bail to the applicant, this Court is not inclined to grant bail to the applicant.
8. The application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge