

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 964 of 2019**

Umesh Kumar Yadav, aged about 26 years, son of Shri Bholaram Yadav, R/o Village Bhilai, P.S. Aarang, District Raipur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Arang, District Raipur (CG). **---- Non-applicant**

For Applicant : Mr. Pushpendra Kumar Patel, Advocate.

For Non-applicant : Mr. Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****21.02.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with crime No.455/2018 registered at Police Station Arang, Raipur for the offence punishable under Sections 306/34 of Indian Penal Code.
3. Case of the prosecution, in brief is that the applicant is a husband of deceased Ishwari Yadav. The marriage of the applicant was solemnized with deceased in the month April, 2018. The applicant and co-accused persons Umashankar Yadav and Triveni Yadav were used to harass her. On 23.09.2018, the deceased committed suicide by hanging herself in ceiling fan.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the bail application, however, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. In the case in hand, the Second Additional Sessions Judge to First Additional Sessions Judge, Raipur has granted regular bail to co-accused Umashankar Yadav and he has also granted anticipatory bail to co-accused Triveni Yadav, but he refused to release the applicant on bail on the ground

that the applicant's relation is different with deceased as compare to other co-accused persons. The allegations leveled against the applicant are as similar as allegation leveled against the other co-accused persons.

7. The Second Additional Sessions Judge to the First Additional Sessions Judge, Raipur is wrongly distinguished the case of the applicant from the case of other co-accused persons because the case of the applicant is similar to other co-accused persons hence the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned, he be released on bail.

8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-