

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3323 of 2019

Vidwan Rajput, S/o. Late Sonai Rajput, Aged About 60 Years, R/o. Jhaphal,
Police Station Lormi, District Mungeli Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station -Lormi,
District Mungeli Chhattisgarh.

---- Respondent

For Applicant : Mr. Akhil Mishra & Mr. Anand Shukla,
Advocates

For Respondent/State : Mr. Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/07/2019

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.3/2019, registered at Police Station –Lormi, District – Mungeli (C.G.) for the offence punishable under Section 306 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case of abetment to commit suicide is made out against the applicant. The applicant is in jail since 10.01.2019. The deceased has though made earlier statement of dying declaration, in which she has mentioned about the

quarrel with the applicant, which can not be regarded as an act of abetment. In the second dying declaration of the deceased, she has very clearly exonerated this applicant. Therefore, it is prayed that the applicant be granted regular 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 the deceased has very clearly made allegation against this applicant, therefore, the applicant is not entitled for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The deceased Dashoda Bai was married to the applicant since 35 years. On 28.10.2018 at about 6.00 AM in the morning, the deceased immolated herself by pouring kerosene oil over her body. She was admitted for treatment in the hospital, where her first dying declaration was recorded on the same day by the Executive Magistrate. Thereafter, the second dying declaration of the deceased was recorded on 30.10.2018. On the basis of the allegation made by the deceased on her first dying declaration, the offence has been registered against the applicant.
6. Considered on the submissions made and the contents of the case diary. Considering on the contradictory statement made by the deceased in her dying declarations and after due consideration, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram