

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3822 of 2019

Kamlesh Sonwani @ Guddu, S/o. Bhagund Sai, Aged About 30 Years, R/o. Village Dignagar, P.S. and Tahsil Rajpur, District Balrampur-Ramanujganj Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Rajpur, District Balrampur-Ramanujganj Chhattisgarh.

---- Respondent

For Applicant	: Mr. Jitendra Shrivastava, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/07/2019

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.82/2019, registered at Police Station – Rajpur, District – Balrampur – Ramanujganj (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 is made out against the applicant. The applicant is in jail since 31.03.2019. The deceased committed suicide on 27.03.2019. In the statement given by the father of the deceased he has not made any allegation against the applicant, however, in the later on development, he has stated that the

applicant used to torture the deceased, therefore, it shows that the case against the applicant is concocted. Therefore, it is prayed that the applicant may be enlarged on 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 applicant was married and having three children, even then he had kept the deceased as second wife and also used to torture her continuously because of which, she felt compelled to commit suicide. Hence, the applicant is not entitled to be released on regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the applicant had kept the deceased Kavita as his second wife. The deceased committed suicide on 27.03.2019. On the basis of mourage enquiry, FIR has been lodged.
6. Considered on the submissions made and the contents of the case diary. Perused the statement of parents of the deceased, which were recorded in the inquest procedure and also perused the statement of the parents of the deceased, which were recorded later on under Section 161 of Cr.P.C.. Looking to the improvement made in the statement, 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