

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8711 of 2018**

Khilawan Sinha, S/o Chandu Ram Sinha, aged about 60 years R/o Village Chhuiha, Police Station Fingeshwar, District Gariyaband (C.G.)

--- Applicant

Versus

State of Chhattisgarh, through Police Station Fingeshwar, Gariyaband, District Gariyaband (C.G.)

---- Respondent

For Applicant	:	Mr. Manoj Paranjpe, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

08/01/2019

1. The Applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 170/2018 registered at Police Station Fingeshwar, Gariyaband, District Gariyaband (C.G.) for the offence punishable under Sections 306 of the IPC.
2. In this case the Applicant is husband of Deceased Urmila. Their marriage was solemnized before 32 years ago. As per prosecution story, on 21/07/2018 at about 9-10 am, the Deceased committed suicide by setting herself on fire. It was also alleged that she had also consumed poisonous substance, due to which she died during course of treatment. Dehati Nalsi was made by brother of the Deceased on 21/07/2018 itself. It was alleged that the Applicant used to harass the Deceased due to certain family disputes. The Deceased has also

made complaint to him in respect of ill treatment. It was further alleged that the Applicant is said to have remarked the Deceased 'to go and die', due to which she once left the matrimonial house. On 19/07/2018, the son of the Deceased has assured that henceforth, she will not be subjected to ill treatment. Thereafter, again the Applicant has remarked the Deceased to 'go and die' and due to this, the Deceased committed suicide on 21/07/2018. The Applicant has been arrested on 16/10/2018.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that on the basis of evidence collected by the prosecution, prima-facie no case under Section 306 IPC is made out against the Applicant. He further submits that the Applicant is aged about 60 years and is in custody since 16/10/2018, charge-sheet has already been filed and trial will take time, therefore, he may be released on bail.
4. Counsel appearing on behalf of the State also opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the Applicant is in custody since 16/10/2018, he is aged about 60 years, charge-sheet has been filed and trial will likely to take some time, without further commenting on merit of the case, I am inclined to release the Applicant on bail.
7. Accordingly, the bail application is allowed.

8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul