

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5892 of 2020

- Parmeshwar S/o Bodhnarayan Aged About 30 Years, R/o Jameera, P.S.- Dhaurpur District- Surguja (Chhattisgarh), District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, P.S. Dhaurpur, District - Surguja (Chhattisgarh), District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant – Mr. Sandeep Dubey, Advocate.

For Non-applicant/State – Ms. Sunita Jain, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-10-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 28-03-2018 in connection with Crime No.14/2018 registered at Police Station - Dhaurpur, District - Surguja, Chhattisgarh for the offence under Section 306 of the IPC, (Special Session Case No.55/2018).

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 28-03-2018. Most of the witnesses have been examined in trial and there is no specific allegation against the applicant in the statement of any of the witness, to show that this applicant has abetted the suicide committed by the deceased. The incident has occurred on 28-05-2017 and after a long gap of time the FIR was lodged on 28-03-2018, therefore, whole case is concocted. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there is ample evidence present against the applicant for his

prosecution. Father of the deceased who is PW-3 has clearly alleged that the applicant used to thrash the deceased, his wife on numerous occasions in inebriated condition, therefore, he had made the life of his wife/deceased miserable which has led to her commission of suicide. Therefore, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the documents.

5. As per the prosecution case, the deceased who happened to be wife of this applicant committed suicide on 28-05-2017 after consuming some poisonous substance. The marriage was registered and after commission of enquiry the FIR was lodged against the applicant on the basis of the statement of witnesses that he used to torture his wife on various occasions.

6. Considered on the submissions and looking to this fact that the applicant is in jail since 28-03-2018 and the trial against him is not making any progress because of the present pandemic situation, therefore, without commenting on merits of the case I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge