

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5639 of 2020

Sukrit Lal S/o Mansaram Aged About 32 Years R/o Village Kurudih Mohalla,
Uperwara, Police Station Urga, Tahsil And District Korba Chhattisgarh, District :
Korba, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Urga, District
Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate
For State	:	Shri Dinesh Tiwari, Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/10/2020

Heard.

1. The applicant is arrested in connection with Crime No.260/2020 registered in Police Station – Urga, District -Korba (CG) for alleged commission of offence under Section 306 IPC.
2. Case of the prosecution, in brief, is that the deceased wife of the applicant was insisting for partition of family property, but, her father-in-law and mother-in-law expressed inability as the elder son was not agreeing and at this stage, the applicant gave her beating and thereafter, deceased-wife committed suicide.
3. Learned counsel for the applicant would submit that the entire background in which deceased committed suicide, as stated in the suicidal note, even accepted as it is, does not make out a prima facie case of abetment as defined under Section 107 IPC. He would submit that even according to the suicidal note, the cause for suicide was that partition was not being held. He

would submit that it is not a case of any sustained torture by the applicant with the deceased.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that when the deceased was insisting on her in-laws to effect partition, which was not accepted, her husband gave her beating and instantaneously, she committed suicide. Therefore, prima facie, a case of instigation is made out.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the contents of the suicidal note and the argument of learned counsel for the applicant that the background of suicide was not an incidental and solitary act of beating, but delay in partition of family property to which her husband was also one of the sharer and that investigation is complete and charge sheet has been filed, I am inclined to grant bail to the applicant.
6. The application is accordingly 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/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge