

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7132 of 2021**

- Raghunath Rautiya, S/o Somnath Rautiya, Aged About 26 Years, Caste- Satnami, Occupation- Labour, R/o Village- Balauda, Police Station- Saraipali, Chowki- Balauda, Tahsil- Saraipali, District- Mahasamund, Chhattisgarh

---- Applicant (In jail)**Versus**

- State Of Chhattisgarh Through The In-charge, Chowki- Balauda, Police Station- Saraipali, District- Mahasamund, Chhattisgarh

---- Respondent

For Applicant	: Shri R Pradhan, Advocate
For Respondent/State	: Shri Shrikant Kaushik, PL

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****20.12.2021**

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as he was arrested in connection with Crime No.328 of 2021 registered at Police Station Saraipali, District Mahasamund, Chhattisgarh for the offence punishable under Section 306 of the IPC.

2. Case of the prosecution, in brief, is that, applicant married with deceased Kamla Rautiya, 5 years prior to the incident. On 11.08.2021, when applicant returned back to his house, he found his wife (deceased) hanging in her room by means of a sari with sealing fan. Applicant immediately lifted body of deceased, called his brother Govind, who untied the knot of sari with sealing fan and brought her down. She was taken to the hospital where doctor examined her and declared dead. Merg was reported to concerned Police Station. Intimation was given to relatives of deceased. Dino Miri, uncle of deceased lodged report to concerned Police Station. Based upon which FIR was registered on 12.08.2021 and applicant was arrested on the same day.

3. Shri R Pradhan, learned counsel for the applicant submits that applicant has not committed any offence as alleged against him. He submits that there was some minor dispute between deceased and applicant regarding financial issues. Allegations levelled against applicant is only that applicant used to assault deceased for money which she earned from labour work, and there is no other allegation. There is no allegation against applicant that he quarrelled or assaulted deceased prior to the date and time of incident. Hence, there is no allegation of abetment against applicant. Applicant is in jail since 12.08.2021 and he may be enlarged on regular bail.

4. Shri Shrikant Kaushik, learned State counsel opposing the submissions of learned counsel for the applicant, submits that since last many years, applicant used to quarrel and assault deceased for money as he does not do any work but for consuming liquor. He submits that in statement of complainant- Dino Miri, uncle of deceased, applicant has informed him that on the date of incident also, there was a quarrel between them at about 4 pm, upon which deceased handed over him Rs.400/- and only thereafter, deceased committed suicide by hanging. However, upon asking the counsel with regard to any other material or any allegation of assault or quarrel, or any witness, after going through case diary, he submits that in the statement of witnesses, it has not come that there is any quarrel, or assault upon deceased prior to the date or on the date of incident. In support of his contention, he read over the statement recorded under Section 161 of CrPC of the witnesses.

5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegations, statement of witnesses under Section 161 of CrPC, the fact that applicant is in jail since 12.08.2021,

without commenting anything on merits of the case, I am inclined to enlarge the applicant on regular bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one local surety in the like sum to the satisfaction of the concerned Court on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

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