

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7832 of 2020**

- Dileshwar Sahu S/o Bishat Sahu Aged About 35 Years R/o Village Tekapaar Khurd, P.S. And Tehsil Khairagarh, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Khairagarh, District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri Abhishek Pandey, Advocate
For State	:	Shri Lalit Jangde, Dy.G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****22/01/2021**

Heard.

1. The applicant has been arrested in connection with Crime No.371/2020 registered at Police Station – Khairagarh, District – Rajnandgaon (C.G.) for alleged commission of offences under Section 306 IPC.
2. Prosecution case is that the applicant maintained illicit relation and there used to be frequent quarrel between the applicant and his wife and the applicant was also harassing and torturing his wife due to which, she committed suicide.
3. Learned counsel for the applicant submits that the applicant has been involved in the alleged commission of offence only on suspicion and on presumption that he must have killed his wife whereas the deceased was found drowning in a pond and it cannot be definitely said that whether it was an accident or commission of suicide. Next submission is that the allegations against the applicant are leveled after more than 15 days of the incident as the FIR was lodged only on 13/10/2020 whereas his wife was missing since 27/09/2020 and at the time of lodging FIR, no allegations were leveled against the applicant by anybody. Therefore, at this stage, when the charge sheet has been filed, the applicant may be granted bail.

4. On the other hand, learned State counsel would argue that the dead body of the deceased was found drowning in a pond from which, the investigating authority had found that it appears to be a case of suicide. He would next submit that the witnesses of the prosecution namely father of the deceased has stated that on account of applicant having illicit relation with some other lady, there used to be quarrel between the applicant and the deceased and because of the sustained torture, the applicant's wife committed suicide.

5. On *prima facie* considerations, it is found that the dead body of the deceased was found drowning in a pond. No suicidal note was found. The material contained in the charge sheet does not show that the deceased had declared that she has committed suicide. Further, the allegations against the applicant have been leveled after more than 15 days of the incident and there is considerable force in the submission of learned counsel for the applicant that the allegations are omnibus in nature, without specific in nature and there is no mention of the name of the lady with whom, the applicant had illicit relation. Therefore, only on suspicion, the applicant has been involved. Therefore, considering the submission that the applicant has been involved on suspicion, I am inclined to grant bail to the applicant.

6. Accordingly, the application is 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 Trial Court on the condition that -

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

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