

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7349 of 2021**

- Subhash Das Manikpuri S/o Sagardas Manikpuri Aged About 35 Years R/o Village Belpur, Police Station Takhatpur , District Bilaspur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Takhatpur , District Bilaspur Chhattisgarh.

---- Respondent

 For Applicant : Shri Sushobhit Singh, Advocate
 For respondent/State : Shri BL Sahu, Panel Lawyer
 For objector : Shri Aman Tamboli, Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****18.11.2021.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 06.9.2021 in connection with Crime No.399/2021 registered at Police Station Takhatpur Distt. Bilaspur (C.G.), for the offence punishable under Sections 201 & 306 of the Indian Penal Code, 1860 (for short 'IPC').

2. Brief facts of the case are that marriage of the applicant with deceased Usha Bai Manikpuri was solemnized prior to 13 years from the date of incident and they are blessed with a male child aged about 10-11 years. On 30.8.2021 Usha Bai Manikpuri, committed suicide by pouring kerosene upon her and set herself ablaze, due to which she died on 04.9.2021 at CIMS,

Bilaspur. It is alleged that the deceased committed suicide due to persistent torture and harassment of the applicant. Based on the above facts, present crime was registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and he has not committed the alleged offence, charge sheet has been filed by the prosecution against the applicant under Sections 306 & 201 of IPC, but there is nothing in the charge sheet which would prove abetment against the applicant for committing suicide by the deceased. He would next submit that the applicant is in custody since 06.9.2021 and he is permanent resident of District Bilaspur. Hence, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State assisted by learned counsel for the objector oppose the bail application submit that the applicant was having illicit relationship with another woman, due to which the applicant frequently tortured the deceased physically and mentally and due to this persistent harassment, the deceased committed suicide. Hence, the applicant is not entitled for grant of bail.

5. I have heard learned counsel for the parties, perused the case diary and the material available on record.

6. As per the case diary, marriage of the deceased and the applicant was solemnized prior to 13 years of the incident and they are having one son aged about 10-11 years. It is a case of

harassment committed by the husband towards his deceased wife and whether the case comes under the purview of abetment to commit suicide is a matter of consideration. As stated by counsel for the both the parties, charge sheet has been filed, the applicant is in custody since 06.9.2021, he is said to be the permanent resident of Distt. Bilaspur. Considering the totality of the facts, I feel inclined to allow the bail application. Therefore, the application under Section 439 of the CrPC is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE