

(2018) 02 CHH CK 0286

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 8069 Of 2017

Pooja Verma

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Feb. 16, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 306
- Code Of Criminal Procedure, 1973 - Section 439

Hon'ble Judges: Rajendra Chandra Singh Samant, J

Bench: Single Bench

Advocate: B.P. Singh, Ashok Swarnkar

Final Decision: Allowed

Judgement

Rajendra Chandra Singh Samant, J

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 868/2017, registered at Police Station-Supela, District - Durg (C.G.) for the offence punishable under Section 306 of the Indian Penal Code (for short 'IPC').

2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. An offence of abetment to commit suicide is prima facie not made out against present applicant on the basis of material present in the charge-sheet filed against her. Applicant, who is a lady, is in jail since 23.10.2017, hence, it is prayed that she may be granted regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that there is sufficient evidence to show a prima facie case against this applicant. Hence, she is not entitled for grant of regular bail.

4. Heard both the parties and perused the case diary.

5. Allegation against this applicant is, that after being deserted by her husband, the applicant wanted to develop relationship with the deceased which he used to refuse. On various occasions the applicant tried to harass the deceased and compel him to have physical relationship with her. On 8.7.2017 applicant created a scene in front of the house of the deceased because of which FIR was lodged but no action was taken against this applicant. The harassment continued and it is alleged that on 28.8.2017 this applicant sent a whatsapp message to the deceased, a photograph which showed that she was committing suicide by hanging herself because of which deceased went in depression and set him ablaze on 30.8.2017. Deceased died on 31.8.2017 during the course of treatment.

6. Considered.

7. Taking into consideration all the material present in the case diary and also considering the evidence on which basis the offence of abetment is being prosecuted against this applicant, I am of this opinion that during pendency of trial against her, she should be benefited with grant of bail.

8. Accordingly, the first bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond for a sum of Rs.25,000/- with one Page No.3 surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.