

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3079 of 2018**

- Prabhu Yadav S/o Shri Ramkunwar @ Kunwar Yadav, Aged About 32 Years Caste Ahir, R/o Village Askala Bhedidand, Police Station Lundra, Outpost-Raghunathpur, Distt. Surguja, Chhattisgarh.

**----Applicant****Versus**

- State Of Chhattisgarh Through Station House Officer, Outpost-Raghunathpur, Police Station- Lundra, Distt. Surguja, Chhattisgarh.

**---- Respondent**


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For Applicant : Shri Vivek Tripathi, Advocate.  
 For Respondent/State: Shri S.Majid Ali, Dy. GA for the State.

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**  
**Order On Board**

**30/05/2018**

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 25.12.2017 in connection with Crime No. 173/2017 registered at Police Station Lundra Outpost Raghunathpur District Surguja (CG) for the offence punishable under Sections 306/34 & 498 (A) (B) of the IPC.
2. As per the prosecution case, due to cruelty committed by the applicant, the prosecutrix committed suicide which amounts to abetment of offence.
3. Learned counsel for the applicant submits that even according to the dying declaration of the prosecutrix, the applicant gave her a slap and is stated that he was intoxicated, therefore, only on this basis no case of abetment of commission of offence would be made out in view of the definition of abetment under Section 107 IPC.
4. On the other hand learned State counsel opposes the bail application and submits that it was the ill treatment of the applicant which compelled the prosecutrix to commit suicide, therefore, the case of abetment is made out.
5. Taking into Consideration the submission of learned counsel for the parties,

particularly taking into consideration what has been stated in the dying declaration and that the case against the applicant is made out only on the basis of a singular incident of slapping prosecutrix, further taking into consideration that the investigation is complete and the charge-sheet has been filed in this case and the applicant is jail since 25.12.2017, I am inclined to release the applicant on bail.

6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with two surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

**(Manindra Mohan Shrivastava)**

**Vacation Judge**