

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2880 of 2015**

1. Amit Tiwari aged about 29 years, s/o. Shri Ajay Tiwari, r/o. Maharana Pratap Ward, Geedam Road, Jagdalpur, Civil & Revenue District Bastar (CG).

---- Applicant

Versus

1. State of Chhattisgarh, Through Police Station Thana Kotwali, Jagdalpur, Dist. Bastar (C.G.)

---- Respondent

For Applicant	:	Mr. Neeraj Mehta, Advocate.
For Respondent/State	:	Mr. Ramakant Mishra, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****1/7/2015**

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 10-4-2015 in connection with crime No. 117 of 2015 registered at Police Station Kotwali, Jagdalpur, District Bastar (CG, for the offence punishable under Section 306 of the IPC and Section 11(d) of the Protection of Children from Sexual Offences Act, 2012.
2. The case of the prosecution, in brief, is that the present applicant instigated and abetted the deceased Ku. Pathely to commit suicide by sending obscene SMS by which she committed suicide by hanging on 1-5-2014 and thereby he committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the case. He would further submit that the deceased was harassed by her parents to discontinue the relation with the present applicant and out of frustration she committed suicide on 1-5-2014 and first information report came to be lodged only on 9-4-2015 and as such there was delay in lodging the first information report and merged statement was recorded in the month of May, 2015 and there was no explanation for delay in lodging the first information report. He would further submit that charge-

sheet has been filed in the case, applicant is in jail since 10-4-2015 and no further custodial interrogation of the present applicant is required by the prosecution, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposing the bail application would submit that deceased was a minor girl and she was instigated by the present applicant to commit suicide by sending obscene SMS to her mobile phone through the mobile phone of the applicant. He would further submit that delay occurred on account of merg inquiry and as such first information report was based on merg inquiry, therefore, present applicant does not deserve to be released on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, role of the present applicant in offence in question, charge-sheet has been filed, pre-trial detention of the applicant, the extent of delay in lodging the first information report and further taking into consideration the nexus and proximity between conduct and behaviour of the present applicant with the suicide committed by the deceased, I am of the considered opinion that *prima facie* it is a fit case where the applicant can be released on bail.
7. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on his furnishing a personal bond of Rs.25,000/- along with one surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Raju