

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4668 of 2017**

Pardeshi Nishad S/o Late Shri Indru Nishad, Aged About 48 Years R/o Village Paraswani, Thana & Tahsil Mahasamund, Civil & Revenue District Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Khallari, Civil & Revenue District Mahasamund, Chhattisgarh.

---- Respondent

For applicant	Mr. Sunil Sahu, Adv.
For Respondent/State	Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****1-11-2017**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. Perused the copy of the charge sheet produced by counsel for the applicant in connection with Crime No. 92/2017, registered in police station Khallari, Distt. Mahasamund (CG) for offence punishable under Section 306 of the Indian Penal Code and also heard counsel for the parties.
3. Prosecution story in brief is that deceased Taran Nishad was aged about 25 years and resided in village Birkoni. Applicant used to visit the house of the deceased. The deceased became pregnant by 8 months due to illicit relation with the applicant. The mother of the prosecutrix had left the prosecutrix in the house of the applicant. The applicant travelled her to here and there. Therefore feeling troubled deceased Taran Nishad committed suicide and her dead body was found on 23-2-2015 near Koliary Nala at village Dhodh.
4. Charge sheet has been filed. The applicant is in custody since 8-6-

2017.

5. Mr. Sunil Sahu, counsel for the applicant argued that the applicant is innocent and falsely implicated hence he may be released on bail.
6. On the other hand, the Panel Lawyer appearing for the state opposed the bail application.
7. Looking to the above facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, applicant is in custody since 8-6-2017, this court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the application 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 with the condition that he will appear before the concerned trial Court at 11 am as and when directed till trial, he be released on bail.
8. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

