

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1675 of 2018

- Sattu Sahu S/o Shri Shyamlal Sahu Aged About 33 Years R/o- H.No. 90, Ward No. 09, Village- Chikhli, Post Sondara, Chikhli, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

----Applicant

Versus

- State Of Chhattisgarh Through- Police Of Police Station- Azad Chowk, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the applicant : Shri R.R. Singh
Advocate

For the Respondent/State : Ms. Smita Ghai, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16.05.2018.

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 in connection with Crime No.271/2017, registered at Police Station –Azad Chowk, Raipur, District –Raipur, (C.G), for the offence under Sections 306 of the Indian Penal Code.
2. Learned counsel for the applicant submits, that the applicant has falsely been implicated in this case. After completion of investigation the charge-sheet has been filed and the case is pending before the trial Court. Till date only 6 witnesses have been examined out of the 15 witnesses in the list of the prosecution case. The applicant is in jail since, 12.12.2017 and the trial is not yet

completed because of which, this applicant is languishing in jail, hence, it is prayed that he may be released on bail.

3. Learned counsel for the State opposes the bail application and submits that sufficient evidence is present against this applicant in the case diary in the said commission of offence, for this reason, he is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. On 13.09.2017 deceased – Mamta Nishad committed suicide and during the investigation it was found that the present applicant and the deceased had love affair and this applicant used to compel the deceased to commit suicide. This applicant had in his possesses in mobile phone some objectionable images and photographs of the deceased and when she could not be submit his wishes, the present applicant send the same to her husband, because of which, she was compelled to commit suicide. Hence, this case.
6. Considered on the submission and contents of the case diary, the applicant is in detention since quite some time, after filing of the charge-sheet no purpose would be served, if the, applicant is kept in detention, till the completion of the trial, hence, this Court is of the opinion that this is a fit case, where the applicant is entitled for grant of bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd /-

(Rajendra Chandra Singh Samant)

Judge