

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2978 of 2018

Shailendra Kumar Verma S/o Shri Ram Kumar Verma Aged About
26 Years R/o- Village Pety, Khairagarh, Police Station Jalbandha,
District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- The District Magistrate, Durg,
District- Durg, Chhattisgarh.

---- Respondent

For applicant - Shri B.P. Singh, Advocate.
For Respondent/State –Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

19/06/2018

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 27/11/2017 vide M.Cr.C. No.6241 of 2017.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.218/2017 registered in Police Station Mohan Nagar, Durg District Durg (C.G.) for offence punishable under sections 306, 376, 109 of IPC.
3. As per the prosecution case, on 8/05/2017 one Jyoti Verma committed suicide by hanging. It is alleged that the present applicant has committed forceful sexual intercourse with her and also made certain clippings of that and thereafter the deceased was deceived, consequently she committed suicide.
4. Learned counsel for the applicant submits that there is no evidence on record to sustain the allegation of offence under Section 376 of IPC. It is submitted that alleged suicide note whether was in hand writing of the deceased is also not clear and there is no evidence to the fact that alleged

suicide note was written by her, therefore maximum offence under section 306 IPC would be made out. He further submits that the applicant is in jail since 6/06/2017, therefore the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the earlier rejection order dated 27/11/2017 and the case diary. Case diary shows that during panchnama immediately with the dead body suicide note was recovered. After perusal of the suicide note wherein direct allegations have been attributed, I do not find any change of circumstances to reconsider this second bail application.

7. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE