

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2961 of 2018**

Ashok Kumar Sahu, S/o. Indralal Sahu, Aged About 36 Years, R/o. Pattharkhan Bhata, Police Station -Bilha, Beside of Devkirari Road, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Bilha, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vipin Singh, Advocate
For State/respondent	: Mr. Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**21/06/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.23/2018, registered at Police Station – Bilha, District – Bilaspur (C.G.), for the offence punishable under Section 306 of the Indian Penal Code (wrongly mentioned as 306/34 of the I.P.C. in the bail rejection order).
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 19.01.2018. Charge-sheet has been filed after completion of investigation. No case is made out against the applicant on the basis of the material present in the case diary. Hence, it is prayed that the applicants may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, the deceased Suryakant Soni committed suicide on 24.05.2017. A suicidal note was seized in the mourge enquiry in which it was written by the deceased that because of threatening and torture given by this applicant, he has felt compelled to commit suicide and also mentioned that on the previous night, the applicant had come and searched for him, armed with club to assault and beat him. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. After due consideration of all the material present in the case diary, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge