

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3690 of 2018**

Santosh Yadav S/o Basant Yadav Aged About 22 Years R/o-
Ujiyarpur (Jampara) P.S. Pondi, District- Korea, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through- Incharge Police Station Pondi,
District- Korea, Chhattisgarh.

---- Respondent

For the Applicant	:	Smt. Usha Chandrakar, Advocate
For the State	:	Shri Dhiraj Wankhede, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****25/06/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 9/2018 registered at Police Station Pondi, District Korea (C.G.) for the offence punishable under Section 306 of IPC.
3. Case of the prosecution, in brief is that the deceased is the resident of village Ujiyarpur. There was a love affair between the deceased and applicant. Applicant had promised that he will marry her. On 15/01/2018 deceased Khushabu had gone in the house of the applicant and saw that Kanti is living with applicant. On that date of incident applicant refused marry with her. On very day deceased pouring the kerosene in her body and set fire, resulted to succumb.
4. Learned counsel for the applicant submits that applicant is innocent

and falsely implicated in the present case and the applicant is in custody since 18/01/2018, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to the above mentioned facts and circumstances of the case, looking to this fact that there is no likelihood of the accused to abscond and tamper the evidence, charge-sheet has been filed and the trial will take its own time, applicant is in jail since 18/01/2018, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed.
8. It is directed that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge