

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5130 of 2018**

- Mohd. Seraj S/o Mohad Husain Rizvi Aged About 25 Years R/o Nonbirra, Police Station Kartala, District- Korba, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station- Kartala, District- Korba, Chhattisgarh.

---- Non-applicant

For Applicant : Ms. Nirupama Bajpai, Advocate.

For Non-applicant : Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****28.08.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 23/2018 registered at Police Station – Kartala, District – Korba (C.G.) for the offence punishable under Section 306 of the Indian Penal Code.
3. Case of the prosecution, in brief is that deceased was 17 years old. She was resident of Nonbirra, Kartala. Since back one year applicant was teasing deceased while she used to go school and return back from school. Applicant had told deceased that he would marry her and taken away her. Earlier deceased had tried to commit suicide twice. On 29.01.2018 deceased committed suicide by hanging.

4. Learned counsel for the applicant argued that the call details do not support the prosecution case, the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, 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 facts and circumstances of the case, looking to the allegation and seriousness of the offence, age of the deceased, looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.
7. Consequently, the present bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE