

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5901 of 2018**

- Abhijeet Mahilange @ Amit S/o Prem Mahilange Aged About 29 Years  
R/o Jarhabhata, Police Station Civil Lines, District Bilaspur CG

**---- Applicant****Versus**

- State Of Chhattisgarh Through The Station House Officer, Police  
Station Sarkanda District Bilaspur CG

**---- Respondent**


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| For applicant        | Mr. Rohit Sharma, Adv. |
| For Respondent/State | Mr. Vinod Tekam, PL.   |

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**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****11-9-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 432/2018 registered in police station Sarkanda, Distt. Bilaspur (CG) for offence punishable under Section 307 of the IPC.
3. Prosecution story in brief is that name of the complainant is Sunita Mahilange. The applicant is her husband. They resided at Jabadapara, Bilaspur. On 11-6-2018, a dispute arose between the applicant and the complainant. The applicant threw down the complainant from 3rd floor. She sustained a fracture on her muscle bone and other injuries. Her dying declaration was also recorded.
4. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he be released on bail.
5. On the other hand, the Panel Lawyer appearing for the State opposed the bail application. However no criminal antecedent of the applicant is reported in the police case diary.
6. Looking to the above facts and circumstances of the case, looking to the true copy of the affidavit of the complainant, looking to the facts that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, applicant is in custody since 13-6-2018, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the application is allowed. It is ordered

that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial, he be released on bail.

7. CC as per rules.

**Sd/-**  
**(Sharad Kumar Gupta)**  
**Judge**