

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8500 of 2018**

Iliyash Khan, aged about 32 years, S/o Gulbahar Khan, R/o Ward No.4, Berla,
P.S. & Tahsil Berla, District Bemetara(CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Berla, District Bemetara (CG).
---- Non-applicant

For Applicant	: Mr. Ravindra Sharma, Advocate
For Non-applicant	: Mr. Ashok Kumar Swarnakar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

28.11.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.263/2018 registered in Police Station Berla, District Bemetara for the offence punishable under Section 306 of Indian Penal Code.
3. Case of the prosecution, in brief, is that the deceased Rampyari Sahu was a resident of village Surholi. There was love affair between her and the applicant. He had promised to marry with her. Thereafter, he told her that he has already married man, if she wants to die then she commits suicide. On 09.06.2018 she poured kerosene oil on her body and set herself ablaze. On 11.06.2018 she died in Mekahaara Hospital at Raipur.
4. Counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated in the case. He further submits that FIR was lodged after three months from the date of incidents. There is no ingredient of Section 306 of IPC in the case. Nothing was found against him in merg intimidation. In support of his case, he placed reliance of Supreme Court in the case of ***Amalendu Pal alias Jhantu Vs. State of West Bengal*** reported in **AIR 2010 Supreme Court 512** passed in **Criminal Appeal No.2091 of 2009**.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant.

6. Looking to the above mentioned facts and circumstances of the case and after considering the totality of the material evidence available on record, this Court finds that the applicant does not get any help regarding for grant of bail from the aforesaid judicial precedent of Supreme Court in the matter of **Amalendu Pal** (supra), looking to the seriousness of the offence; and 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. Consequently, the bail application is rejected.

7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-