

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9006 of 2018**

- Vivek Kumar Sharma, S/o Ramesh Kumar Sharma, aged about 27 years, R/o Shop No. 262, C-Market, Sector- 06, Bhilai, Tahsil and District – Durg, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- The District Magistrate, District- Durg, District- Durg, Chhattisgarh.

---- Respondent

For Applicant	: Shri Jitendra Gupta, Advocate.
For Respondent/State	: Smt. M. Asha, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**14/12/2018**

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 79/2018, registered at Police Station – G.R.P. Charoda, District- Durg, (C.G.) for the offence punishable under Section 306 of the IPC.
2. As per the prosecution story, it is alleged that from the year 2014 present Applicant and the deceased Roshni Burman were leading a life as husband and wife and the fact of marriage was concealed by the present Applicant to his family members. Allegation against the Applicant is that he left the deceased and had gone to Jashpur in the year 2017. Thereafter, he stopped taking with the deceased, on account of which deceased committed suicide by hanging herself in her parental house on 15.01.2018. On the basis of this background, offence has been registered against the present Applicant and he has been taken into custody on 09.09.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further states that there is nothing on record on the basis of which *prima facie* offence under Section 306 of the IPC can be made out against the Applicant. The Applicant is in custody since 09.09.2018 and trial will take some time. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 09.09.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge