

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 419 of 2019**

- Mahendra Kumar, S/o Daya Ram Sahu, aged about 36 R/o Village Kharthuli Thana Balod, Tahsil Balod, District- Balod, (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, P.S. Balod, District- Balod, Chhattisgarh.

---- Respondent

For Applicant	: Shri N.K. Malaviya, Advocate.
For Respondent/State	: Shri K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**06/02/2019**

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. 260/2018, registered at Police Station – Balod, District- Balod, (C.G.) for the offence punishable under Sections 498 A, 306 of the IPC.
2. In this case Applicant is the husband of the Deceased Durgeshwari Sahu. Their marriage was solemnized in the year 2003 and they have two children aged about 13 years and 10 years. On 25.05.2018, the Deceased committed suicide and set herself ablaze on fire. During course of treatment, her dying declaration has been recorded. Allegation against the Applicant is that, after consuming alcohol, he used to torture his wife/deceased. Due to this, the deceased was mentally harassed. After her death, merger was lodged. On the basis of the merger inquiry, offence has been registered. Thereafter, Applicant has been taken into custody on 05.09.2018.
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 on the basis of the evidence collected by the prosecution, *prima facie* no offence under Section 306 of the IPC can be made out against the Applicant. Deceased in her dying declaration also, has not stated about any specific allegation against the present Applicant. Charge-sheet has been filed, the Applicant is in custody since 05.09.2018 and trial will take 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 05.09.2018 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 concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge