

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 543 of 2019**

- Durga Prasad Bhausary S/o Kanhaiya Lal Bhausary Aged About 23 Years R/o Ward No. 08, Shanti Nagar, Kusumkasa, P. S. Dalli, Rajhara, District Balod Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, Balod, Civil And Revenue, District Balod Chhattisgarh

.....Non Applicant

For the Applicant	:	Shri Amiyakant Tiwari, Advocate
For Non Applicant	:	Shri Vikram Dixit Govt. Advocate along with Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****05.04.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants 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.19/2018 registered at Police Station- Mangchua, District- Balod (C.G.) for the offence punishable under Sections 363, 376, 306 of Indian Penal Code and Section 3/4 of POCSO Act.
3. Case of the prosecution, in brief is that deceased Ku. Kameshwari was 18 years old. She was resident of village Nangutola(Arajhuri). There was love affair between her and applicant. On 25.05.2018 at about 7:10 am, at the house of Gabhruram Gond, at village Nangutola (Arajhuri), the dead body of deceased Ku. Kameshwari was found in hanging condition. Some gummy material was present on her private part. In PM Report doctor opined that deceased was died due to asphyxia resulting from hanging, death was suicidal in nature. As per the RFSL report sperm was present in the slide of deceased. As per the RFSL Report allele of DNA profile received from Article A(778) Vaginal slide of deceased, does not match with the allele of DNA profile received from Article B(779) blood sample of applicant. One namely Binam Mandavi found one Samsung mobile. During the identification it was found that the said mobile and inserted SIM were belonging to applicant. On the memorandum of applicant one pant and one shirt were seized from him. It is alleged that applicant committed sexual intercourse with deceased thus she became annoyed and committed suicide.
4. Learned counsel for the applicant submits that 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, however, submits that there is no criminal antecedent against the applicant.
6. Looking to the aforesaid facts and circumstances of the case, looking to the material available on record against the applicant, it is directed that if applicant furnishes two solvent sureties for a sum of Rs.25,000/- along with a personal bond of Rs.50,000/- to the satisfaction of the concerned Trial Court, he shall be released on bail.
7. Certified copy as per rules.

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

Parul