

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 804 of 2019

- Akash Kumar Bairiha S/o Late Shri Raju Bairiha Aged About 18 Years
By Caste Domar, R/o Haldibadi, Thana And Tahsil Chirmiri, District
Koriya Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through The Police Station Chirmiri,
District Koriya Chhattisgarh

---- Respondent

For Applicant	: Mr. Parag Kotecha, Advocate.
For Respondent/State	: Mr. KK Dewangan, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

25/02/2019

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. 19/2019, registered at Police Station – Chirmiri, District- Koriya (C.G.) for the offence punishable under Section 306 of the IPC.
2. As per prosecution story, on 02.12.2018, one Bharti Sahu, aged about 16 years, daughter of the complainant namely Surendra Sahu, committed suicide in her house by hanging herself, thereafter on 04.12.2018 a written complaint has been lodged by father of the deceased, wherein, it has been alleged that since last year the applicant used to blackmail his daughter/deceased by way of social media and also on the date of incident the applicant made a phone call through whatsapp messenger to her. On being tortured by the applicant, deceased committed suicide. On the basis of said report, offence has been registered under Section 306 of the IPC and the

applicant has been taken in custody on 15.01.2019.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. There is nothing on record on the basis of which any offence under Section 306 of the IPC can be made out. He further submits that the applicant is in custody since 15.01.2019 and trial will take some time. Therefore, the applicant 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 with due care.
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 15.01.2019 and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant 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