

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1016 of 2019**

- Ravishankar Rathore S/o Khelkumar Rathore, Aged About 25 Years R/o Ward No. 6, Khokhra, Police Station and Tahsil Janjgir District Janjgir – Champa, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through District Magistrate, Janjgir District Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant	: Shri Sumit Singh, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

27/02/2019

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. 122/2018, registered at Police Station – Saragaon, District – Janjgir-Champa, (C.G.) for the offence punishable under Sections 306 & 342 of the IPC.
2. As per the prosecution story, on 28.09.2018 at about 2:30 pm, present Applicant alongwith co-accused Vinita Rathore came into the house of the deceased namely Seema Dheewar and threatened her by saying that she is having extra marital affair with the husband of the co-accused Vinita Rathore. Allegedly, co-accused Vinita pressed the neck of the deceased because of which the deceased went into shock. Thereafter, when the Applicant and co-accused left the house of the deceased, she (deceased) pour kerosene and set herself ablaze. Her dying declaration has been recorded on 29.09.2018. During treatment, on 11.10.2018 she succumbed to the burn injuries. Merg was lodged by one ward boy of the hospital thereafter merg

enquiry has been registered against the present Applicant and co-accused Vinita Rathore. The present Applicant has been arrested on 07.12.2018.

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 submits 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. He further submits that the co-accused Vinita Rathore has already been granted bail by the Sessions Court itself. Charge-sheet has been filed, Applicant is in custody since 07.12.2018 and trial is likely to 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.
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 07.12.2018 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