**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**
**MCRC No. 1299 of 2019**

1. Chandan Shrivastava S/o Late Shubash Shrivastava Aged About 21 Years R/o Ward No. 1, Pipariya, P. S. Khairagarh, District Rajnandgaon, Chhattisgarh.

2. Chitragupta Shrivastava S/o Late Shubash Shrivastava Aged About 23 Years R/o Ward No. 1, Pipariya, P. S. Khairagarh, District Rajnandgaon, Chhattisgarh.

**---- Applicants**

**Versus**

- State of Chhattisgarh Through P. S. Khairagarh, District Rajnandgaon, Chhattisgarh.

**---- Respondent**

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For Applicants : Mr. Rakesh Pandey, Advocate.
For Respondent/State : Mr. Amit Singh, PL.

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**Hon'ble Shri Justice Arvind Singh Chandel**
**Order On Board**

**07/03/2019**

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 03/2019, registered at Police Station – Khairagarh, District- Rajnandgaon (C.G.) for the offence punishable under Sections 306 & 34 of the IPC.

2. As per prosecution story, on 01.01.2019, brother of the deceased namely Rajesh Vishwakarma made a report to the effect that on 30.12.2018 at about 7:30 PM his younger brother namely Mithlesh Vishwakarma has fallen in water tank due to which he got injured and he was taken to hospital but, during treatment he died, thereafter, morgue was recorded. During course of investigation, it was found that due to *maarpeet* with the present applicants, deceased committed suicide. On the basis of said, offence has been registered against the

applicants and they have been arrested on 01.01.2019 itself.

3. Learned Counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. There is no evidence available on record on the basis of which offence under Section 306 of the IPC can be made out against them. He further submits that the applicants are in custody since 01.01.2019, charge-sheet has already been filed and trial will take some time. Therefore, they 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 applicants are in custody since 01.01.2019, charge-sheet has already been filed and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.

7. Accordingly, the bail application is allowed.

8. It is directed that the applicant shall be released on bail on each of them 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 their appearance before the said Court as and when directed.

Sd/-
**(Arvind Singh Chandel)**
**Judge**

*Shubham*