

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 1521 of 2019

- Pravesh Banjare S/o Pardeshi Aged About 28 Years R/o Azad Nagar Godaripara, Police Station And Tahsil - Chirmiri, District - Koriya Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Chirmiri, District - Koriya Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vivek Kumar Tripathi, Advocate.
For Respondent/State	: Mr. KK Dewangan, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/03/2019

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. 36/2018, registered at Police Station Chirmiri, District Korea (C.G.) for the offence punishable under Section 306 of the IPC.
2. As per prosecution story, deceased Manju committed suicide on 09.11.2013 by hanging in her house. Morgue was lodged and statement of witnesses during morgue inquiry have been recorded. Thereafter, one petition has been moved before the High Court by mother of the deceased. In compliance of order dated 22.01.2018 passed by this Court passed in WA No. 140/2017 an FIR has been lodged and statement of witnesses under Section 161 of CRPC have been recorded. On the basis of statement of witnesses, the applicant has been taken in custody. Allegation against the applicant is that there was a love relationship between the applicant and the deceased and both were engaged. On the date of incident, some hot talk has done on phone between the deceased and the applicant, due to which

she committed suicide.

3. Learned Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that initially at the time of morgue inquiry, no allegation has been made against the applicant and later on, he has been falsely implicated. There is no evidence available on record on the basis of which prima facie offence under Section 306 of the IPC can be made out against him. He further submits that the applicant is in custody since 23.01.2019, charge-sheet has already been filed and trial will 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 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 23.01.2019, 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 applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicants shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge