**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**
**MCRC No. 1847 of 2019**

- Nand Kumar S/o Purushottam Kori Aged About 25 Years R/o Village Dholmahua, Police Chowki Belgahana, P. S. Kota, District Bilaspur Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Kota (Police Chowki Belgahana) District Bilaspur Chhattisgarh

**---- Respondent**

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For Applicant : Ms. Sunita Sahu, Advocate.
For Respondent/State : Mr. KK Dewangan, Dy. G.A.

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

**15/05/2019**

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. 37/2019, registered at Police Station Kota (Police Chowki Belgahana), District Bilaspur (C.G.) for the offence punishable under Section 306 of the IPC.

2. As per prosecution story, the applicant is the husband of the deceased namely Pratima Kori, their marriage was solemnized in the year 2006, out of their wedlock they have blessed with two children, their first children name is Khusboo. Allegation against the applicant is that he used to bother the deceased and also he used to drink alcohol and beat the deceased, due to that the deceased was harassed and committed suicide on 21.03.2018 by hanging herself. The applicant has been arrested on 17.01.2019.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present

case. She further submits that from the entire material available on record prima facie there is no offence under Section 306 of the IPC can be made out against him. She further submits that on the date of incident i.e. 21.03.2018 no allegations have been made against the applicant by relatives of the deceased and on 17.01.2019 when recording the statements under Section 161 of Cr.P.C. allegations have been against the applicant. The applicant is in custody since 17.01.2019 and trial is likely to take some time. Therefore, the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.

5. I have heard learned Counsel for both the parties.

6. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the applicant is in custody since 17-01-2019 and trial is 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 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**

Shubham