

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2327 of 2019

Mukesh Jaiswal, S/o Brijlal Jaiswal, aged about 33 years, R/o Sarbahra, P.S. Gourela, District- Bilaspur, (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through : Police of Police Station, Gourela, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Shri Yogendra Chaturvedi, Advocate.
For Respondent/State : Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

08/05/2019

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. 54/2019, registered at Police Station – Gourela, District- Bilaspur, (C.G.) for the offence punishable under Section 306 of the IPC.
2. In this case, present Applicant is the husband of deceased Pinky Jaiswal. On 18.02.2019, deceased committed suicide by pouring kerosene oil and setting herself ablaze. As per prosecution story, deceased Pinky Jaiswal performed second marriage with the Applicant. First husband of the deceased had died due to heart attack. Allegedly, after the marriage, Applicant and Pinky Jaiswal (deceased) used to quarrel on the matter of children due to that deceased committed suicide. On the basis of the said, offence has been registered. Applicant has been taken into custody on

19.02.2019.

- 3.** Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that on the basis of the evidence available on records, *prima facie*, no offence under Section 306 of the IPC is made out against the Applicant. Only general allegations have been made against the Applicant. Applicant has been taken into custody on 19.02.2019 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 and perused the case diary with due care.
- 6.** Considering the facts and circumstances of the case, particularly considering the fact that the Applicant is in custody since 19.02.2019 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 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

