

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2903 of 2019**

- Pawan Kumar Rathiya S/o Jeevanlal Rathiya Aged About 28 Years R/o Village- Kukricholi, Police Station- Chhal, District- Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station- Chhal, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Shri Sanjay Agrawal, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**16/05/2019**

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. 57/2019, registered at Police Station – Chhal, District- Raigarh, (C.G.) for the offence punishable under Section 306 of the Indian Penal Code.
2. As per the prosecution story, on 01.03.2019, one Parmeshwar Rathiya committed suicide by consuming some poisonous substance. It is alleged that present Applicant had love affair with the sister of the deceased. When this fact came to the knowledge of the deceased, he tried to dissuade her sister. At that time, Applicant came there and committed mar-peat with the deceased and due to that he committed suicide. On the basis of the said, offence has been registered and Applicant has been taken into custody on 25.03.2019.
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 there is no evidence available on record on the

basis of which, *prima facie*, no offence under Section 306 of the IPC is made out against the Applicant. Applicant is in custody since 25.03.2019 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.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant is in custody since 25.03.2019 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