

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2886 of 2019**

Jai Prakash @ Jairam David, S/o Denial David, aged about 35 years,
R/o Kawardha Road, Ward No. 11, Gandai, Tahsil - Chhuikhadan,
District Rajnandgaon, (C.G.).

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police
Station-Gandai, District-Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	: Shri Abhishek Sharma, Advocate
For Respondent/State	: Shri K.K. Dewangan, Dy. 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. 95/2019, registered at Police Station– Gandai, District- Rajnandgaon (C.G.) for the offence punishable under Section 306 of the IPC.
2. As per the prosecution story, present Applicant is the husband of the deceased namely Najma David. On 08.04.2018, deceased committed suicide by consuming some poisonous substance. Love marriage between the Applicant and deceased was solemnized in the year, 2011-2012 and out of their wedlock one daughter was born. Allegations against the present Applicant is that, after marriage, he used to consume liquor and torture the deceased over small issues and due to that deceased committed suicide. On the basis of the said, offence has been registered. Applicant has been taken into custody on 29.03.2019.

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 Applicant and deceased had love marriage and therefore, no question of torture and harassment arise. He also submits that on the basis of evidence available on record, *prima facie*, no offence under Section 306 of the IPC is made out against the Applicant. He is in custody since 29.03.2019 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 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 29.03.2019 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