

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3611 of 2019**

Rakesh Suryavanshi S/o Lorik Suryavanshi Aged About 20 Years R/o Village- Sendri, Police Station- Koni, Civil And Revenue District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station- Koni, Civil And Revenue District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Devesh G. Kela, Advocate.
For the Respondent/State : Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.07.2019**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.52 of 2019, registered at Police Station – Koni, District – Bilaspur, Chhattisgarh for the offence punishable under Section 306 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 22.2.2019 and has been falsely implicated in this case. No case of abetment to commit suicide is made out according to the material present in the charge-sheet. After completion of investigation, the charge-sheet has

been filed. Hence, for these reasons, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that on the night of incident a quarrel took place between the applicant and the deceased which can be regarded as abetment to commit suicide. Hence, the applicant is not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, this applicant and deceased – Rani @ Durga Suryavanshi had a love affair. The deceased committed suicide in the morning of 14.1.2019 by hanging herself. Thereafter, on the basis of the merg enquiry, FIR has been lodged against the applicant.

6. On perusal of the statement of the case-diary, it appears that the witnesses have made statement that the prosecutrix was having multiple relations. It is also stated that the prosecutrix had stayed in the house of the applicant in the night before the incident and there had been some quarrel between the applicant and the deceased because of which, one injury of teeth bite was found in the body of the applicant. After considering the entire material present in the case-diary, I feel inclined to grant bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge