

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4742 of 2019**

- Hitesh @ Heera Yadav S/o Tilak Ram Yadav Aged About 22 Years R/o Village Tada, Police Station Dharsiwa, District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Dharsiwa, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri Aditya Khare, Advocate.
For Respondent/State : Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**22/08/2019**

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. 244/2019 registered at Police Station – Dharsiwa, District- Raipur, Chhattisgarh, for the offence punishable under Section 306 of IPC.
2. As per the prosecution story, on 03.04.2019 one Ku. Jhamil Sahu committed suicide by setting herself on fire. It is alleged that, earlier there was love relationship between deceased and present Applicant. Allegedly, Applicant had committed sexual intercourse with the deceased on various occasions on the pretext of marriage and due to that she got pregnant also. Later on Applicant refused to marry her and therefore, Jhamil Sahu (deceased) committed suicide. On the basis of the said, offence has been registered and Applicant has been taken into custody on 05.05.2019.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case.

From the evidence collected by the prosecution, *prima facie*, no offence under Section 306 of IPC can be made out against the Applicant. It is further submitted that after death of the deceased, one suicidal note has been recovered. There is no evidence on record which can establish that the said suicidal note was written by deceased. Applicant is in custody since 05.05.2019, charge-sheet has been filed 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 Applicant is in custody since 05.05.2019 and trial is likely to take some time, without further commenting on other 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