

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5215 of 2019**

Rajpal Kushwaha, S/o. Baban Ram, Aged About 26 Years, R/o. Village Koteya, Police Station and Tahsil Bhaiyathan, District Surajpur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police of Police Station Bhaiyathan (Jhilmil) District Surajpur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anil Gulati, Advocate
For Respondent/State	: Mr. Roshan Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**24/09/2019**

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.81/2019, registered at Police Station – Bhaiyathan (Jhilmili), District – Surajpur (C.G.) for the offence punishable under Section 306 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 09.06.2019. The applicant has not given any abetment to the deceased for commission of suicide. The charge-sheet in this case has been filed and now the case is pending. Therefore, it is prayed that the applicant may be enlarged on regular 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 because of the torture given by this applicant, the deceased

committed suicide, therefore, the application be rejected.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, this applicant got married to the deceased Priyanka in the year 2016. Subsequently, the applicant used to doubt on the chastity of the deceased. On the date of incident, this applicant found the deceased talking to some unknown person on mobile because of which, the dispute arose between them and the applicant thrashed the deceased, which followed by commission of suicide by the deceased by jumping in the well.
6. Considered on the submissions made and the contents of the case diary. After considering the facts and circumstances of the case and the evidence present on record and further for the reason that the case is now pending for trial, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge