

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5506 of 2019**

- Akash Singh S/o Goverdhan Singh Bargah, aged about 26 years, R/o village Piparsatti, Police Station Akaltara, District Janjgir-Champa (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Simga, District Baloda Bazar - Bhatapara (C.G.)

---- Respondent

For Applicant	:	Shri T.K. Jha, Advocate
For Respondent	:	Shri Anurag Verma, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****05/11/2019**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.233/2012, registered at Police Station - Simga, District Baloda Bazar, Bhatapara (C.G.) for the offence punishable under Sections 279, 337, 338 & 304(A) of IPC.
2. The prosecution story, in brief, is that on 05.07.2012, the applicant and deceased Pratibha Sahu were found injured near culvert situated by the side of national highway. Both were taken to hospital, where Pratibha Sahu succumbed to her injuries on 10.07.2012. During the course of investigation, one letter (undated) was produced by the father of the deceased allegedly written by the deceased

raising suspicion against the applicant. Based on this, offence has been registered. Present applicant has been taken into custody on 03.07.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that there was love affair between the applicant and deceased Pratibha Sahu, they were going on motorcycle, which met with an accident in which Pratibha Sahu succumbed to injuries. He also submits that the alleged undated letter produced by the father of the deceased was never subjected to investigation and the letter was recovered from the bag of the deceased that too after one year of the incident. He also submits that the applicant is in custody since 03.07.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case, and further considering the fact that the alleged undated letter was recovered after one year of the incident, the applicant is in custody since 03.07.2019, the case is triable by Judicial Magistrate First Class and the 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 his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-

(Rajani Dubey)
Judge

Pekde