

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6627 of 2019**

- Raj Kulpahadi S/o Shri Krishna Kumar Kulpahadi Aged About 34 Years, R/o Madhuban Road, Shikha Street Opposite To Shikha Vatika, Ward Number 32, Bilaspur, Tahsil And District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : The Station House In-Charge, Police Station City Kotwali Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. B. P. Sharma, Adv.
For Respondent/State	: Mr. Anil Tripathi, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****08.11.2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 77/2019 registered at Police Station City Kotwali Bilaspur, District-Bilaspur (C.G.) for the offence punishable under Section 304B/34 of the IPC.
2. The prosecution story, in brief is that, brother of applicant reported the matter that one Smt. Gouri Kulpahadi wife of present applicant Shri Raj Kulpahadi, committed suicide on 29.09.2017 at about 7 pm. by hanging. Based on this offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the incident took place in the year 2017 and no report thereof was lodged, and after passing of two years, without any new evidence, the charge sheet has been filed. The applicant is in jail since 05.08.2019, there is no likelihood of his

case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the applicant is in jail since 05.08.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**