

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6770 of 2019**

- Santosh Gilhare, S/o Mohanlal Gilhare, Aged About 34 Years, R/o Village - Bade Urla, Police Station - Abhanpur, District - Raipur (C.G.).

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Abhanpur, District - Raipur (C.G.).

---- Respondent

For Applicant	: Shri Pradeep Singh Rathore, Adv.
For Respondent/State	: Shri Akhtar Hussain, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10.12.2019**

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. 479/2019 registered at Police Station Abhanpur, District - Raipur (C.G.) for the offence punishable under Section 306 of I.P.C.
2. The prosecution story, in brief is that, the deceased had borrowed Rs. 2,000/- from the applicant, out of which, he had returned Rs. 1,000/- to the applicant, despite this, the applicant was demanding Rs. 70,000/- from the deceased and threatened him for dire consequences if he will not return the said amount, due to which, the deceased has committed suicide. During investigation, a suicidal note was recovered. Thereafter, 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 ingredients of instigation and abetment are not made out against the present applicant. The applicant is in

jail since 27.09.2019, 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 ingredients of instigation and abetment are not made out against the present applicant. The applicant is in jail since 27.09.2019 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**