

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7324 of 2019**

1. Harish Kumar S/o Joidha Prasad, aged about 53 years resident of village Pathari post Dholpur Police Chowki-Hardibajar Thana – Kusmunda District Korba (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : P.S. Kusmunda, District Korba (C.G.)

---- Respondent

For Applicant	:	Shri Neeraj Kumar Sharma, Adv.
For Respondent	:	Ms. Reena Singh, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****06/12/2019**

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.385/2019, registered at Police Station – P.S. Kusmunda, District Korba (C.G.) for the offence punishable under Section 306 IPC.
2. The prosecution story, in brief, is that from 2009 to 2013, the applicant took work from deceased Heeralal Kashyap, who is mason by profession, but not made payment to him. On 17.12.2015, the deceased committed suicide by hanging himself and hand written letter was seized from him, which according to the hand writing expert's report, was written by deceased mentioning the reason for committing the suicide. Based on this, offence has been registered. The present applicant has been taken into custody on 21.10.2019.
3. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the case. He further submits that vide order dated 29.11.2019 passed in MCRC Nos.7352/2019 and 7518/2019, co-accused have already been granted by this Court. He also submits that by no stretch of imagination the offence is made out against the applicant under Section 306 IPC. It is next submitted that the applicant is in custody since 21.10.2019 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 counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, and further considering the fact that co-accused persons have already been granted bail by this Court, the applicant is in custody since 21.10.2019, charge sheet has been filed 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.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge