

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9489 of 2018

- Sukhram Nishad S/o Budhru Nishad Aged About 41 Years R/o Village Gadwadih Post Office And Police Station Fingeshwar, District Gariyaband Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Fingeshwar, District Gariyaband Chhattisgarh.

---- Respondent

For Applicant : Shri Shivendu Pandya, Advocate.
For Respondent/State : Shri UKS Chandel, PL.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

28/01/2019

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 62/2017, registered at Police Station Fingeshwar, District Gariyaband (C.G.) for the offence punishable under Section 306 of the IPC and Section 3 (1) (r) (w) (ii) & 3 (2) (v) of the SC/ST (Prevention of Atrocities) Act, 1989.
2. As per prosecution story, on 01.07.2017 at about 10 AM, the deceased namely Ku. Hema Dhruv aged about 25 years was going towards her college, allegedly present applicant came there and tried to outrage the modesty of the deceased, due to which she had committed suicide by pouring kerosene oil on her and set on fire on the same night. Due to burn injuries she died on 10.07.2017. After merg enquiry, on the basis of statements of witnesses, offence has been registered. The applicant is in custody since 15.07.2017.
3. Learned counsel appearing on behalf of the applicant submits that the

applicant is innocent and has been falsely implicated in the present case. He further submits that, on the basis of evidence collected by the prosecution, prima facie no case under Section 306 of the IPC can be made out against the applicant. Charge-sheet has been filed on 11.10.2017 and the applicant is in custody since 15.07.2017 and still charges are not framed and trial will likely to take some time, therefore, the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the fact and circumstances of the case, evidence collected by the prosecution and further considering the fact that the applicant is in custody since 15-07-2017 and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one local 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/-
(Arvind Singh Chandel)

Judge