

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 793 of 2020

- Lokesh Kurre S/o. Ghanaram Kurre Aged About 29 Years R/o. Bhoipara Gobra Nawapara, District Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Gobra Nawapara, District Raipur, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Bharat Sharma, Advocate.

For Non-applicant/State : Mr. Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-02-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The first application M.Cr.C. No.3277/2019 was dismissed as withdrawn on 29.04.2019 and liberty was granted to revive the same after examination of material witnesses. The applicant has been arrested on 27.02.2019 in connection with Crime No.54/2019, registered at Police Station– Gobra Nawapara, District- Raipur, Chhattisgarh for offence punishable under Section 306 of Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the material witnesses have been examined and nothing has come in support of the prosecution to hold the applicant guilty for the offence for which he is charged. The applicant is in jail since 27.02.2019 and still the trial has not been completed. Hence, because of this delay also the applicant is

entitled to be released on bail. Therefore, it is prayed that this application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application and submits that the statement of the witnesses that has been recorded by the trial Court shall be appreciated by the trial Court itself. Therefore, at this stage, nothing can be said about the result of the trial against the applicant. The material in the charge-sheet show that the applicant has no entitlement for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to prosecution case, deceased- Anju Kurre, was wife of this applicant who immolated herself on 06.12.2018 and died during the course of treatment on 08.12.2018. On the basis of the inquest report, F.I.R. has been lodged against the applicant registering offence under Section 306 of I.P.C.
6. Perused the diary and also perused the certified copy of the statements of witnesses present along with the petition, and considering that it is almost one year and the trial has not been completed, therefore, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge