

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2980 of 2020**

- Mukesh Kumar Sahu S/o Humman Lal Sahu, Aged About 22 Years R/o Village - Rohansi, Thana - Palari, District - Baloda Bazar - Bhatapara Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through - Thana - Palari, District - Baloda Bazar - Bhatapara Chhattisgarh.

---- Respondent

For Applicant : Mr. Sameer Singh, Advocate.
For Respondent/State : Mr. Gagan Tiwari, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****05.06.2020**

- The accused/applicant has moved his first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 199/2020 registered at Police Station - Palari, District- Baloda Bazar (C.G.) for the offence punishable under Section 306 of IPC.
- According to the prosecution story, on 07.11.2019 deceased Ku. Damini Manikpuri has committed suicide by pouring kerosene oil and blazed her, so the merg has been registered and during the course of investigation and merg inquiry alleged that the applicant has love affair and harassed her and during the course of the inquiry police recorded the statement of her relative and other witness and registered the offence under Section 306 of IPC against the present applicant.
- Learned counsel for the applicant submits that the applicant was falsely implicated by the prosecution, only suspicion the applicant is implicated them and further stated that if the prosecution case is accepted as it is then the ingredients of abatement as mentioned in Section 107 of IPC are not attracted in the case, so it cannot be held that the applicant

has abated the deacease to commit the suicide. He next contended that the applicant is in jail since 18.05.2020, therefore he may be granted bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned Counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant, as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
- Accordingly, the bail application is allowed.
- It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/-, with one local surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.
- It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **in Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), they need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if they have not furnished the bail bonds earlier, then they will be required to furnish bail bonds within four weeks from today.

Sd/-

(Rajani Dubey)
Judge