

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3461 of 2020

- Kuldeep Rajput S/o. Kartik Dhruv, Aged About 19 Years, R/o. Village Jangal Dhavlupur, P.S. Mainpur, District Gariaband Chhattisgarh, District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station- Amlipadar, District- Gariaband, Chhattisgarh, District : Gariyabandh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Prgalbha Sharma, Advocate.

For Non-applicant/State – Shri Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-12-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 10-01-2020 in connection with Crime No.05/2020 registered at P.S. - Amlipadar, District- Gariaband, Chhattisgarh for the offence under Section 305, 376 of the IPC and Section 4, 6 of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The only evidence on which the case has been registered is so called suicide note left by the deceased, in which she has held the applicant responsible for her death. This statement does not speak of any abetment given by this applicant. Further, there is no evidence regarding commission of offence under Section 376 of the IPC in the case. Charge sheet has been filed after completion of the investigation. Therefore, it is prayed that this applicant be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the evidence of suicide is complete by itself which indicates that the act of the applicant which compelled the victim to commit suicide was abetment for commission of suicide by her. Hence, no case is made out for

grant of bail.

4. Notice was issued to the informant/complainant. The informant has given appearance before this Court on 14-10-2020 and expressed his objection in grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the case diary.

6. The deceased, minor girl of age 15 years and 10 months committed suicide on 28-12-2019. Two suicidal letters were recovered from her body in which the deceased had held responsible the applicant for her death, on the basis of which the offences have been registered against the applicant.

7. After considering on the submissions and the material that is present in this case on the basis of which the applicant is proposed to be prosecuted, I am of this view that he deserves to be granted bail.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge