

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4270 of 2020**

- Devraj Netam, S/o Dungariya Netam, Aged about 23 years, By caste- Netam, R/o Village Gotapra, Dhakatta, Thana & Tahsil Bhanupratappur, District U.B. Kanker (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through – Police Station- Bhanupratappur, District U.B. Kanker (C.G.)

---- Respondent

For Applicant : Mr. Parag Kotecha, Advocate.
 For Respondent/State : Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17/08/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 83/2020 registered at Police Station- Bhanupratappur, District U.B. Kanker (C.G.) for the offence punishable under Sections 306 and 376 of the Indian Penal Code, 1860.
2. The prosecution story in brief is that, it was an allegation against the present applicant, that he used to have sexual intercourse with the deceased from sufficient long time, on the pretext of marriage and thereafter when applicant refused to marry, she committed suicide.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that there is no direct evidence against the present applicant and only on the basis of the suspicion, the applicant had been involved in the present case. He submits that the applicant and the deceased developed physical relation on the pretext of marriage and when he refused

to marry she committed suicide. Lastly, he submits that the applicant is in jail since 21.04.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature; therefore, no case is made out for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, deceased is major and the applicant is in jail since 21.04.2020, as the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge

Vasant