

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4423 of 2020**

- Sabin Kumar, S/o Atwa Ram, Aged About 21 Years, Caste- Agariya, R/o Village- Birimkela, P.S.- Batauli, District- Surguja (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh, Through: the Station House Officer, Police Station- Batauli, District- Surguja (C. G.).

---- Respondent

For Applicant : Mr. Jitendra Shrivastava Adv.
For Respondent/State : Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****29.09.2020**

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. 44/2020 registered at Police Station- Batauli, District- Surguja (C.G.) for the offence punishable under Section 305 of IPC.
2. The prosecution story, in brief is that the marriage between the applicant and the deceased was cancelled due to same gotra. Thereafter, deceased lived with the applicant in live-in relationship and on 27.04.2020, deceased told over mobile that applicant assaulted her and thereafter she committed suicide. offence has been registered against the present applicant and he has been taken into custody.
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 the charge-sheet has been filed and there is no direct evidence found against the applicant and there is no criminal antecedent registered against the present applicant. He next submits that the applicant is in jail since 09.06.2020 and 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 the submission made in this respect. It is submitted that the offence committed by the present 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, and further considering the facts that the charge-sheet has been filed and there is no direct evidence found against the applicant and there is no criminal antecedent registered against the present applicant. The applicant is in jail since 09.06.2020 and 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**