

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4849 of 2020**

- Piyush Sen, aged about 35 years, S/o Lakheshwar Prasad Sen, by caste Nai, R/o Garhpara, Antagarh, Thana and Tahsil Antagarh, District U.B. Kanker (C.G.)

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Shri Parag Kotecha, Advocate
For Respondent	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****02/09/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.119/2020, registered at Police Station – Bhanupratappur, District U.B. Kanker (C.G.) for the offence punishable under Section 306 IPC.
2. The allegation against the present applicant is that he always used to harass the deceased and had applied for some information under Right to Information Act against the deceased, who was working as Clerk in the Water Resources Department and because of harassment, deceased Bhagvat Salme consumed poison on 24.02.2017. On 25.02.2017 at morning, when he regained consciousness, he informed his family members that the applicant is harassing him as a

result of which he has consumed poison. During the course of treatment, the deceased died on 03.03.2017. Based on this, offence has been registered. The present applicant has been taken into custody on 20.06.2020.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the applicant is R.T.I. activist and he has nothing to do with the aforesaid crime and there was no intention or motive on the part of the applicant to commit the crime. He also submits that there is no direct evidence against the applicant and only on the basis of suspicion, the applicant has been involved in the present case. He also submits that the applicant is in custody since 20.06.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application. Learned State counsel submits that in the suicidal note the name of applicant is mentioned which clearly shows that the applicant used to harass the deceased under the name of Right to Information Act.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, in particular the nature of offence, quality of evidence and further considering the fact that the applicant is in custody since 20.06.2020, charge sheet has been filed and

the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.

7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge