

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5104 of 2020**

- Name Singh S/o Shakha Ram Meravee, aged 20 years, R/o village Bisatotal, P.S. SH/Lohara, District - Kabirdham (C.G.)

---- Petitioner**Versus**

- State Of Chhattisgarh Through : S.H.O. Police Station- Sh/Lohara Kabirdham, District - Kabirdham (C.G.)

---- Respondent

For Applicant	:	Shri Vivek Sharma, Advocate
For Respondent	:	Shri Rahul Jha, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****17/09/2020**

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.56/2020, registered at Police Station - SH/Lohara, Kabirdham, District Kabirdham (C.G.) for the offence punishable under Section 306 IPC.
2. The allegation against the present applicant is that he prepared the video of deceased Pushpa Sahu and Hirru @ Hileshwar, who used to come to his house, and made it viral through Whatsapp. Deceased Pushpa Sahu became sad after the video went viral, and on 05.04.2020 at 1.30 pm, she committed suicide by pouring kerosene oil on her and set her ablaze. Based on this, offence has been registered. The present applicant has been taken into custody on 11.05.2020.
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 prosecution has failed to establish as to what was the mobile and IMEI number of the present

applicant by which the video went viral on whatsapp. He also submits that the incident is of 27.03.2020 and on 05.04.2020 i.e. after 9 days, she committed suicide and the suicidal note has been seized from her boy friend. It is next submitted that the applicant is in custody since 11.05.2020, 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 the applicant has prepared a video of deceased and Hirru and made it viral through whatsapp and the mobile phone has also been seized by which the video is alleged to have been prepared.
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, quality of evidence and further considering the fact that the applicant is in custody since 11.05.2020, 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 the applicant 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