

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6962 of 2020**

- Rohit Barva son of late Avren Barva, aged about 24 years, caste Uraon, occupation Labour, residence of village Bailatoli, Thana Kunkuri, Tahsil Kunkuri, District Jashpur C.G.

-----Applicant**Versus**

- State of Chhattisgarh Through the Station House Officer, Police Station Jashpur, District Jashpur, Chhattisgarh

---- Non-applicant

For Applicant	:	Mr. Akath Kumar Yadav, Advocate
For Non-applicant	:	Mr. Siddharth Dubey, Dy.Govt. Advocate.

Hon'ble Mr. Justice Parth Prateem Sahu**ORDER****14/12/2020**

1. Applicant has preferred this application under Section 439 Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.184/2019 registered at Police Station Jashpur, District Jashpur (C.G.) for the offence punishable under Section 306 of IPC.
2. Case of the prosecution is that late Laxmi Bhagat aged about 22 years was residing at Raipur and prosecuting her studies of B.Com, 1st year. She returned to her native place on 23.10.2018 and thereafter on 24.10.2018, she hanged herself in her house. She was taken to hospital where during the course of treatment she died. On the basis of suicidal note, said to be handed over to police by father

of deceased Laxmi Bhagat, F.I.R. was registered against the present applicant on 25.06.2019.

3. Mr. Akath Kumar Yadav, learned counsel for the applicant submits that except the suicidal note handed over by the father of deceased Laxmi Bhagat, there is no any other material to connect the applicant in the crime. He further submits that there is no report of handwriting expert to point out that the suicidal note was being written by deceased Laxmi Bhagat herself. He further points out that the applicant is in jail since 22.07.2020 and there is no criminal antecedent against present applicant.
4. Opposing the submission made by learned counsel for the applicant Mr. Siddharth Dubey, learned Deputy Government Advocate submits that there is specific allegation against the present applicant in the suicidal note that the applicant misused her; and further in the statement of Preeti Bhagat, recorded under Section 161 of CrPC, there is specific allegation that the deceased was residing along with present applicant in common accommodation at Raipur but just few days before the date of incident, applicant had shifted the deceased to the hostel and started living-in with another girl.
5. I have heard learned counsel for the respective parties.
6. Considering the entirety of the facts and circumstances of the case, age of the deceased to 22 years, prosecuting her studies of B.Com, and further the pre-trial detention of the present applicant, I am inclined to allow the bail application.

7. Accordingly, the bail application is allowed. It is directed that the applicant be released on regular bail, upon furnishing a bail bond in the sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that-

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge