

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 7981 of 2020**

Devi Ram Markam, S/o. Laxman Markam, aged about 19 years, R/o. Avanri, Patel Para, Police Station Keshkal, District Kondagaon, Chhattisgarh.

**---- Applicant**

**Versus**

State of Chhattisgarh, Through - Police Station Keshkal, District Kondagaon, Chhattisgarh.

**---- Respondent**

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| For Applicant        | : Mr. Lukesh Kumar Mishra, Advocate |
| For Respondent/State | : Mr. B.P. Banjare, Dy.A.G.         |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**16/12/2020**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.27/2018, registered at Police Station –Keshkal, District – Kondagaon (C.G.) for the offence punishable under Section 376, 306 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The deceased committed suicide on 08.07.2018 and on that date she was major. Although she was carrying pregnancy

of about 4-5 months but the applicant denies the same to be having any connection with that. The whole investigation does not show as to in what manner, the applicant has abetted the deceased for commission of suicide. Hence, there is no case against this applicant. Therefore, it is prayed that the applicant may be released on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there are statement of witnesses, who have stated regarding relationship of this applicant with the deceased since the date when she was minor girl and because of this applicant, the deceased became pregnant and when the applicant refused to marry her, she has committed suicide. Hence, the offences are clearly made out against the applicant. Therefore, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the deceased committed suicide on 08.07.2018 and she was carrying pregnancy of about five months. On the basis of morgue inquiry, FIR has been lodged on 16.08.2018 registering the offence against the applicant.
6. Considered on the submissions and the facts of the case. The applicant was arrested on 29.08.2018 and since then he is in jail. The trial has not made sufficient progress although some witnesses have been examined in the trial, but looking to the facts and circumstances of this case and considering on the submission that have been made

on behalf of the applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge

Balram