

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7199 of 2019**

- Tilak Ram Sahu S/o Kartik Ram Sahu Aged About 45 Years R/o Village Gobra, Police Station Kurud, District Dhamtari Chhattisgarh... (In Jail).

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kurud , District Dhamtari Chhattisgarh....(Non Applicant).

---- Respondent

For Applicant	:	Mr. Anil Gulati, Advocate.
For State	:	Mr. Wasim Miyan, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****08/01/2020**

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing his on regular bail during trial in connection with Crime No. 392/2019 registered at Police Station - Kurud, District Dhamtari (C.G.) for the offence punishable under Section 306 of IPC.
- As per the prosecution story, in brief, on 01.07.2019 a merger-intimation was lodged by Thanu Ram Vishwakarma alleging therein that deceased Padmini Vishwakarma was sleeping in the house and, at about 1.00 A.M., when the mother of Padmini wake up, she did not found the deceased thereafter, they searched her and found her hanged herself thereafter, they rescued her and called the doctor and the doctor declared her dead. On the basis of above facts, after completion of investigation, offence has been registered against the applicant and he has been arrested.
- Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the case. He further submits that there was love affair between the applicant and the deceased and when the deceased used to talk to Neelkamal, a dispute arose between the applicant and deceased, so, prima-facie offence under Section 306 of IPC would not be attracted in the present case. As the applicant is in jail since 16.08.2019 and he is ready to furnish adequate surety and shall abide by all the directions and conditions which may imposed by this Court, the present applicant may be released on bail.

- Per contra, State counsel strongly opposes the bail application of the applicant submitting that the present applicant used to threatened her for dire consequences and to defame her by publishing about the physical relationship between them, due to that she committed suicide.
- I have heard learned counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the fact that he is in jail since 16.08.2019 and as 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.
- 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 said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge