

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7838 of 2019**

- Gajendra Singh Rajput @ Sandeep, S/o Narayan Singh Rajput Aged About 29 Years R/o Shyamaprasad Mukharjee Ward Dongripara Kondagaon Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant	:-	Mr. Raza Ali, Advocate.
For Respondent-State	:-	Mr. Anurag Verma, 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. 157/2019 registered at Police Station – Kondagaon District Kondagaon (C.G.) for the offence punishable under Section 306 of IPC.
- As per the prosecution case, deceased-Mamta

Rajput, who was in love affair with the applicant performed marriage with him against the will of her parents. After marriage the applicant started quarreling and assaulting her as a result of which she committed suicide. Based on this, offence has been registered. The present applicant has been taken into custody on 07.11.2019.

- 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 has not committed any offence and has been implicated for some rivalries between the parties. He further submits that the deceased has been excluded from her family by the parents as she has married with the applicant against their will, due to which she remained in depression and committed suicide. He further submits that the applicant is suffering from the stone problem in his kidney and an operation is required to be conducted for the proper treatment and the medical documents are filed in this regard. Thus, prima-facie offence under Section 306 of IPC would not be attracted in the present case. As the applicant is in jail since 07.11.2019 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 quarrel with deceased and also abetted her to take such extreme step.

- I have heard learned counsel for the parties and perused the case diary.
- Taking into consideration the nature of the offence, facts and circumstances of the case and further considering fact that the applicant is in jail since 07.11.2019 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