

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7825 of 2019**

- Balram Nayak, aged about 25 years, son of Udaynath Nayak, resident of West Chirmiri, Police Station – Pondi, District Korea (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station- Mujgahan, Raipur, District Raipur (C.G.)

---- Respondent

For Applicant	:	Shri Anil Tripathi, Advocate
For Respondent	:	Ms. Akshara Amit, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****21/01/2020**

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.363/2019, registered at Police Station – Mujgahan, Raipur, District Raipur (C.G.) for the offence punishable under Section 306 IPC.
2. The prosecution story, in brief, is that the applicant had performed love marriage with deceased Bhuneshwari Patel. After marriage, the applicant used to commit maarpeet with Bhuneshwari as a result of which she left the house of applicant and started residing in her parental house. 3-4 months prior to the incident, Bhuneshwari Patel had also made a complaint in Mahila Thana, Raipur and filed an application under Section 125 CrPC for grant of maintenance. After marriage, Bhuneshwari Patel was in great depression and owing to that she consumed poison and died. Based on this, offence has been registered. The present applicant has been taken into custody on 04.10.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that after marriage the deceased was residing in her parental house and she died in her parents' house. He also submits that the applicant is in custody since 04.10.2019, 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.
5. I have heard learned counsel for the parties and perused the case diary.
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 04.10.2019, 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 him 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.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge