

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9338 of 2020

- Dinesh Kumar @ Bachhan Bunkar S/o Ganesh Ram Bunkar, Aged About 21 Years R/o Nilkanthpur, Police Station Kusmi District - Balrampur - Ramanujganj Chhattisagarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station - Kusmi, District - Balrampur - Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Non-Applicant

For Applicant	:	Shri Jitendra Shrivastava, Advocate
For Non-Applicant/State	:	Shri B.L. Sahu, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

17/02/2021

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 on 25.11.2020 in connection with Crime No.143/2020, registered at Police Station- Kusmi, District-Balrampur Ramanujganj(C.G.) for the offence punishable under Section 306 of the IPC.
2. Case of the prosecution is that the present applicant and the deceased were in love affair and the applicant has also given her a mobile phone, but after some time he was not attending the phone calls of the deceased and refused to marry her, due to which, she committed suicide. Based on this, an offence has been registered against the applicant and he was arrested.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated and he has been

falsely implicated in the case. He submits that the applicant has not instigated the deceased to commit suicide and on the suspicion of affair of the applicant with some other lady, she committed suicide. He submits that yet charge sheet has not been filed and no offence is made out against the applicant for commission of offence under Section 306 of the IPC, therefore, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail.
5. Having considered the submissions made by learned counsel for the parties, and the fact that the deceased had committed suicide as the applicant refused to marry her and the nature of evidence collected by the prosecution; the detention period and conclusion of trial is likely to take some time, without commenting on merits, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is allowed.
7. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-
 - (a) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (d) he shall not involve himself in any offence of similar nature in future.

Sd/
(Gautam Chourdiya)
Judge