

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9264 of 2021**

- Gulbadan @ Gulshan Nagesh, S/o Sadaram Nagesh, Aged About 35 Years, R/o Village Dabnai, Police Station & Tahsil Devbhog, District Gariyaband Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Devbhog, District Gariyaband Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Adv.
For Respondent/State	: Mr. Akhtar Hussain, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17.12.2021**

1. The accused/applicant has moved this **first bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 90/2015 registered at Police Station- Devbhog, District Gariyaband (C.G.) for the offence punishable under Section 306/34 of IPC.
2. The prosecution story, in brief, it has been alleged that on the date of incident, the present applicant and other co-accused harassed the deceased on account of partition of land and demanded money from him. Thereafter, deceased committed suicide by hanging himself. Thereafter, offence has been registered against the applicant and he has been taken into custody.
3. Learned counsel for the applicant submits that the

applicant is innocent and has been falsely implicated in the crime in question. He further submits that the delay in lodging the FIR shows that the whole case has been fabricated and concocted by the prosecution. He next added that co-accused have been acquitted by the trial court vide judgment dated 28.01.2017 passed in Sessions Trial No. 89/2015 and the applicant is in jail since 04.10.2021, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the offence committed by the applicant is of serious in nature, and, therefore, no case is made out for grant of bail.
5. I have heard learned counsel for the parties and perused the record.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that co-accused have been acquitted by the trial court and applicant is in jail since 04.10.2021, 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.
7. 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 trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**