

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5415 of 2018

- Gokul Dewangan S/o Dhansay Dewangan Aged About 27 Years R/o- Rajendra Ward, Balani Chowk P.S. City Kotwali, District- Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- P.S.- City Kotwali, District- Mungeli, Chhattisgarh

---- Respondent

For Applicant	:	Shri Ashutosh Trivedi, Advocate
For State	:	Ms. M.Asha, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/09/2018

The applicant has been arrested in connection with Crime No.131/2018 registered at police station – City Kotwali, Mungeli, District – Mungeli (CG) for alleged commission of offence under Section 306 IPC.

2. Prosecution case is that the applicant was harassing the deceased and compelling her to marry him and because of this harassment, the deceased committed suicide.

3. Learned counsel for the applicant submits that the story that the deceased died due to harassment by the applicant is false and fabricated. Prosecution witness -Babla Dewangan himself has stated that the applicant and the prosecutrix were having long affair since last six months and just before death, the deceased had met Babla Dewangan and handed over mobile phone for being returned to the present applicant, which *prima facie* shows that the deceased was using mobile phone given by the present applicant and supports the case of the applicant that there was a long affair between the parties and the applicant was not compelling the prosecutrix to marry him.

4. On the other hand, learned State counsel opposes the bail application and submits that according to the statement of Rani Rajput, when she went to the hospital to meet Jyoti Verma (the deceased), the deceased told her that the present applicant was harassing her and compelling her to marry, due to which, she decided to commit suicide.

5. Having considered submission of learned counsel for the parties, particularly taking into consideration the statement of prosecution witness - Babla Dewangan and that the applicant is in jail since 15/06/2018, charge sheet has been filed and he is not likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned Trial Court, with following further conditions:

- (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) The applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge