

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2330 of 2019

- Rajesh Jaiswal S/o Shri Bhagwandin, Aged About 32 Years R/o Village Darwaja (Akhrar) Chowki Khudiya, Police Station Lormi, District - Mungeli Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Chowki Khudiya, Police Station Lormi, District – Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Shri Dheerendra Pandey, Advocate.
For Respondent/State : Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

08/05/2019

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 09/2019, registered at Chowki Khudiya, Police Station – Lormi, District – Mungeli, Chhattisgarh, for the offence punishable under Sections 306, 34 of the IPC.
2. In this case, Applicant is the husband of the deceased namely Mithla Bai. Marriage of the Applicant and the deceased was solemnized before 7-8 years of the incident and out of their wedlock, two children were born. Allegedly, after marriage, present Applicant and his family members used to harass and torture the deceased due to which deceased consumed poisonous substance and tried to commit suicide on 23.10.2018. During course of treatment, on 29.10.2018 deceased died. On the basis of the said, offence has been registered. Applicant has been taken into custody on 17.01.2019.
3. Learned Counsel appearing on behalf of the Applicant submits that the

Applicant is innocent and has been falsely implicated in the case. He further submits that there is nothing on record on the basis of which any offence under Section 306 of the IPC can be made out against the Applicant, only general allegations have been made against the Applicant by the relatives of the deceased. He further submits Applicant is in custody since 17.01.2019, charge-sheet has been filed and trial is likely to take some time. He also states that on the same fact of evidence, other co-accused persons namely Kaushilya Bai and Bhagwandih have already been granted bail by this Court vide order dated 26.02.2019 passed in MCRC No. 961/2019. Therefore, Applicant may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant is in custody since 17.01.2019 and 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 executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge