

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 345 of 2020**

- Karan Singh Gautam S/o Kalidas Gautam, aged about 41 years, R/o 80-B Risali Sector, P.S. Nevai Bhilai, Tehsil and District Durg (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : District Magistrate, Durg, District Durg (C.G.)

---- Respondent

For Applicant	:	Shri B.P. Singh, Advocate
For Respondent	:	Shri Wasim Miyan, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****27/02/2020**

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.302/2019, registered at Police Station - Nevai, Bhilai, District Durg (C.G.) for the offence punishable under Section 306 IPC.
2. The prosecution story, in brief, is that the applicant had performed marriage with deceased Minakshi in the year 2004. Due to old domestic dispute with the deceased, the deceased slept at 23.30 after dinner. On 24.09.2019 at 6.30 am, when his son Gitesh and Goutam woke up, they saw that deceased Minakshi was hanging in the ceiling fan of the house. During investigation, the police seized a phone diary in which it has been written that 'मैं तलाख नहीं दुंगी, मर जाऊंगी पर तलाख नहीं दुंगी'. That apart, the statement of the relatives of the deceased were recorded which revealed the fact that the deceased was subjected to cruelty by the applicant for divorce. Based on this, offence has been registered. The

present applicant has been taken into custody on 05.11.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that though there was family dispute between the deceased and the applicant, but the deceased has left suicidal note in which she has categorically stated that she is committing suicide herself. He also submits that the applicant is in custody since 05.11.2019, 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. Learned State counsel submits that the deceased was subjected to cruelty by physically and mentally and it is the applicant who abetted the deceased to take such extreme step.
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 05.11.2019, 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, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge