

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1059 of 2020

Piyush Sharma, S/o Late Pawan Sharma, aged about 35 years, R/o Satyam Vihar Colony, Street No.5, Mahadev Ghat Road, Raipura, Raipur, Tehsil and District Raipur (C.G.), permanent resident of Ward No.4, Baniyapara, Tilda, District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station Tilda Neora, District Raipur (C.G.)

---- Non-applicant

For Applicant: Dr. N.K. Shukla, Senior Advocate with Mr. Arjit Tiwari, Advocate.

For Non-applicant/State: Mr. Siddharth Dubey, Deputy Govt. Advocate.

For Objector/Complainant: -
Mr. Awadh Tripathi, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11/05/2020

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.513/2019, registered at Police Station Tilda Neora, Tilda, Distt. Raipur, for the offence punishable under Sections 306 and 498A read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant along with five co-accused persons instigated Smt. Pooja Sharma, wife of co-accused Pramod Sharma, to commit suicide and she committed suicide on 28-11-2019 by hanging herself.
3. Dr. Shukla, learned Senior Counsel appearing for the applicant, would submit that marriage of Pooja Sharma with the brother of the present applicant – Pramod Sharma was solemnised in the year 2003 and they were blessed with one son being 14 years and daughter, aged

about 11 years, being Malya Sharma and the present applicant used to live separately at Raipur along with his family, whereas the deceased used to reside at Tilda, Raipur and the reason of suicide is partition of the property. The applicant has been arrested on 17-1-2020.

4. On the other hand, Mr. Dubey, learned counsel for the State, would submit that statement of Malya Sharma was recorded under Sections 161 and 164 of the CrPC and statement of Santosh Sharma was recorded under Section 161 the CrPC which would show that the applicant has also harassed her by his inappropriate/ vulgar behaviour and which forced the deceased to commit suicide.
5. I have heard learned counsel for the parties.
6. Taking into account that the applicant, who is the brother-in-law of deceased Pooja Sharma, is said to be residing separately and further considering the nature and gravity of offence, the extent of the role of the present applicant alleged by the prosecution, considering the pre-trial detention of the applicant and further considering that the trial is likely to take time, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.
8. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23-3-2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Motu Writ Petition (C) No.1/2020), he need not furnish bail bonds afresh and the

bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished bail bonds earlier, then he will be required to furnish bail bonds.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma