

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5043 of 2020**

- Haribhajan Jagat, S/o Dukhu Singh Gond, aged about 27 years, R/o village Madan, Post Office Pali, Tahsil Pali, District Korba (C.G.)

---- Petitioner**Versus**

- State Of Chhattisgarh Through The District Magistrate Korba, District Korba, Chhattisgarh

---- Respondent

For Applicant	:	Shri Ravindra Agrawal, Adv.
For Respondent	:	Smt. Sunita Jain, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****26/08/2020**

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.31/2020, registered at Police Station – Pali, District Korba (C.G.) for the offence punishable under Section 304-B r/w section 34 IPC.
2. The prosecution story, in brief, is that on 03.02.2020 at about 3.00 PM, the wife of applicant namely Rani Jagat committed suicide by hanging on a tree at the agricultural field of the village. Based on this and after merged inquiry, offence has been registered against the applicant. The present applicant has been taken into custody on 28.05.2020.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He

further submits that the allegation of the parents of deceased is that their daughter was subjected to cruelty for demand of dowry and ultimately she committed suicide, whereas it is the factual aspect of the case is that the applicant and deceased belong to Scheduled Tribe community and there is no custom of dowry in their community. He also submits that according to postmortem report, no external or internal injury was found on the body of deceased. He also submits that there is no evidence on record that soon before the death of deceased, she was being harassed by the applicant for dowry and even there is no suicide note in the case. It is next submitted that the applicant is in custody since 28.05.2020 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 brother of deceased in his statement recorded under Section 161 Cr.P.C. has stated that the applicant used to quarrel with the deceased frequently.
5. I have heard learned counsel for the parties and perused the record.
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 28.05.2020 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.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

Pekde