

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 19-10-2020Order delivered on 02-11-2020MCRC No. 5574 of 2020

1. Vinod Sachdev S/o Rajkumar Sachdev, Aged About 38 years, R/o Gali No.2 Katora Talab, Police Station - Civil Lines Raipur, District - Raipur Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through The Police Station - Civil Lines District - Raipur Chhattisgarh.

---- Respondent

For Applicant	Mr. Vivek Sharma, Advocate
For Respondent /State	Mr. Vimlesh Bajpai, Govt. Advocate
For Objector	Mr. Sharad Mishra, Advocate

*(Proceedings through Video Conferencing)*Hon'ble Mr. Justice Prashant Kumar MishraCAV Order

1. Heard.
2. The applicant has preferred this bail application for grant of bail as he has been arrested in connection with Crime No.287/2020, registered at Police Station - Civil Lines, District : Raipur, for the offence under Section 306 of the Indian Penal Code.

3. The deceased Poonam Sachdev was married with the applicant on 14-2-2009. They have a daughter Ku. Geetika, aged about 10 years. On a dispute concerning applicant's illicit extra marital affair with his own maternal Aunt (मामी) differences arose whereafter applicant used to commit physical cruelty on the deceased. At about 10:30 p.m. on 26-07-2020 also Ku.Geetika informed her maternal Uncle (मामा) namely; Ravi Wadhvani that altercation has taken place and Papa (पापा) is assaulting her mother. Soon thereafter, Ravi Wadhvani and other family members reached the place of occurrence and separated them, however, the applicant continued to abuse the deceased in their presence. In the same night, the deceased committed suicide.
4. In the diary statement of Mohan Das Wadhvani (father of the deceased), Ravi Wadhvani (brother of the deceased) and Asha Wadhvani (mother of the deceased) there is allegation of continuous physical assault/cruelty for the reason that the deceased was persuading the applicant to stop his illicit relation with his own Aunt (मामी). Mohan Das Wadhvani has also alleged that on applicant's demand one landed property was given to him and thereafter his demand of Rs.3.00 lacs cash was satisfied twice.
5. Learned counsel appearing for the applicant would argue that the issue of illicit relation with applicant's Aunt (मामी) has been raised for the first time after the incident happened, as the same is not mentioned in the earlier report dated 22-07-2019. He would refer to the diary statement of the applicant's landlord Shakuntala Lakhwani to argue that no incident of assault has happened on the fateful night.

6. Learned counsel appearing for the objector would refer to some photographs which are allegedly of applicant's Aunt (मामी) to argue that she was sending her obscene photos to the applicant from his mobile and laptop. Learned counsel would submit that this clearly proves illicit relation with his Aunt (मामी) and due to this he used to assault the deceased every now and then driving her to commit suicide.
7. The material available in the case diary is not that the deceased committed suicide after verbal altercation. There is allegation of continuous physical assault including on the date of incident itself.
8. Considering the entire facts situation of the case, this Court is not inclined to grant bail to the applicant.
9. Accordingly, the bail application is rejected.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri