

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 6938 of 2020

- Dinesh Bhagat, s/o Indrajeet Bhagat, aged about 26 years, r/o village – Rudukela, Police Station and Tahsil Lailunga, District- Raigarh, Chhattisgarh

---- Applicant (In Jail)

Versus

- State of Chhattisgarh Through the Police Station Lailunga, District- Raigarh Chhattisgarh

---- Respondent

For Applicant	: Shri Rajat Agrawal, Advocate
For Respondent/State	: Shri Vikram Sharma, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

14.12.2020

1. Applicant has preferred this application under Section 439 CrPC for grant of regular bail as he has been arrested in connection with Crime No.187 of 2020 registered at Police Station Lailunga, Distict-Raigarh CG for the offence punishable under Section 306 of the IPC.
2. Case of the prosecution in brief is that the deceased, wife of the present applicant consumed poison. She was taken to the hospital for treatment where she died on 08.06.2020.
3. Shri Rajat Agrawal, learned counsel for the applicant submits that as per the case of the prosecution, there was general allegation against the present applicant of quarrelling with the deceased after consumption of liquor. The applicant is resident of tribal area and under the intoxication, some dispute might have taken place. He further submits that the deceased was not happy as she was not blessed with child after lapse of sufficient time of their marriage

and she was living in depression. In this regard, her father and brother were called to make her understand about the things.

4. Shri Vikram Sharma, learned Dy Government Advocate for the State opposing the submission made by learned counsel for the applicant submits that merg intimation has been lodged by the brother of deceased, who has specifically stated that the present applicant was frequently quarrelling with the deceased and also assaulting her for one or the other reason, and on that account only, deceased consumed poison. He also referred the statements of other witnesses (Prakash Bhagat and Sukhwari Bhagat) in this regard and submits that the applicant is not entitled for the benefit under Section 439 of the CrPC.

5. I have heard learned counsel for the parties.

6. Considering the nature of allegations levelled against the applicant, and entirety of the fact available in case diary, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant be released on regular bail upon furnishing a bail bond in the sum of Rs.10,000/- (Rupees ten thousand) with one surety in the like sum to the satisfaction of the Court below concerned on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma