

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6983 of 2020**

Pawan Kumar Nishad S/o Lt. Budharu Ram Nishad Aged About 32 Years R/o Village Rayta, Chowki Silyari, Police Station Dharsiwa, District Raipur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through The Station House Officer, Police Station Dharsiwa, District Raipur Chhattisgarh.

---- Non-applicant

For Applicant : Shri Y.C. Sharma, Advocate

For Non-applicant/State : Shri Ashish Tiwari, Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****14.12.2020**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 08.07.2020 in connection with Crime No.254 of 2020 registered at Police Station Dharsiwa, District Raipur, Chhattisgarh for commission of the offence punishable under Sections 306 and 498-A of the Indian Penal Code.
2. Case of the prosecution, in brief, is that deceased Vasni Nishad was married with the present applicant about 10 years prior to the date of incident. From their wedlock, they were having two children. Applicant regularly used to quarrel with the deceased, demanding money from her and also beat

her in intoxication condition. As per allegation, the applicant also suspect upon the character of the deceased. On 21.09.2019, applicant quarreled with the deceased while demanding money from her and also assaulted her. Aggrieved by the act of the applicant, deceased poured kerosene oil and set herself ablaze. She was taken to hospital where during the course of treatment, she died. A written complaint was lodged by Fekuram, father of deceased on 17.05.2020 alleging that the applicant was not doing any work and regularly demanded money from deceased, quarrel with her and also suspect on her character. It was also mentioned that deceased herself stated to the complainant that on the date of incident also, applicant quarreled with her and aggrieved by which, she set herself ablaze.

3. Shri Y.C. Sharma, learned counsel for the applicant submits that marriage of deceased with present applicant took place 10 years prior to the incident. They were having two children, there is no allegation in the complaint or in the entire case diary to connect the applicant with the alleged offence under Section 306 of the IPC. He further submits that dispute between applicant and the deceased was a normal dispute which normally arose between the husband and wife. It is pointed out that written complaint has been lodged by Fekuram father of deceased after about 8 months of the date

of incident and on the basis of which, applicant has been arrested.

4. On the other hand, Shri Ashish Tiwari, learned State Counsel opposes the prayer for grant of bail and submits that there was specific written complaint filed by father of deceased, by name, Fekuram stating the act of present applicant of quarreling and assaulting her time and again, demanding money from her, hence, offence levelled against the present applicant is based on the material available on the case diary.
5. I have heard learned counsel for the parties.
6. Taking into consideration the overall facts and circumstances of the case, particularly, nature of allegation as mentioned in the written complaint with regard to dispute between the applicant with his deceased wife on account of demand of money in an intoxication condition and further statement given by deceased to her parents that on account of dispute between applicant and deceased, she set herself ablaze, without commenting anything on merits of the case, I am inclined to release applicant on regular bail.
7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand) with one surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;

- a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
- b) He 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