

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No.7253 of 2020

Siddhram Baiga Son of Panaku Singh Baiga Aged About 19 Years, Resident of Keshmarda, Police Station -Taregaon Jungle, District - Kabirdham (Chhattisgarh).

----Applicant

Versus

State of Chhattisgarh Through - Station House Officer, Police Station - Taregaon Jungle, District - Kabirdham (Chhattisgarh).

--- Respondents

For Applicant	:	Mr. Pawan Kumar Kashyap, Advocate on behalf of Shri Pushpendra Kumar Patel, Advocate.
For Respondent-state	:	Mr. Siddharth Dubey, Dy. GA.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

17/12/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who was arrested in connection with Crime No.26/2020, registered at Police Station - Taregaon Jungle, District - Kabirdham (Chhattisgarh), for the offence under Section 306 of the Indian Penal Code, 1860.
2. Case of the prosecution is that (deceased) Jamni Bai was married to present applicant about three years prior to the date of accident. She left her house at about 3:00 P.M on 31.10.02019 and, thereafter, her dead body was found lying in Kitchen Garden (बाड़ी) of one Bablu Panika. Incident was reported to concerned Police Station. Death as per post-mortem was on account of consumption of poison. After merg inquiry, offence under Section 306 of IPC was registered against the present applicant.
3. Learned counsel for the applicant submits that applicant has been falsely implicated in this case. Deceased herself was annoyed as even after three years of marriage she could not conceive. Allegation levelled against the

applicant is an after thought as the statements of witnesses namely Moujiram, Lalu Singh & Sukhiram have been recorded on 29.05.2020 & 23.06.2020 respectively after a long delay.

4. Learned counsel for the State opposes the bail application and submits that Moujiram, Lalu Singh & Sukhiram very specifically stated in their statement that applicant used to harass and abuse the deceased after consumption of liquor. In view of specific materials available against the applicant, he is not entitled for grant of bail.
5. Heard learned counsel for both the parties.
6. Taking into consideration the entirety of facts and circumstances, nature of allegation, materials collected by the investigating agency, statements of the witnesses, without commenting on merits of the case, I am inclined to allow the bail application of applicant.
7. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing bail bond in the sum of Rs.10,000/- with surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

Jamal/-