

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 160 of 2021

- Ambika Prasad Jaiswal S/o Kailash Prasad Jaiswal, aged about 28 years, R/o Village Rameshpur, Police Chouki Balangi, Police Station Raghunathnagar, District Balrampur-Ramanujganj (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station Basantpur, District Balrampur-Ramanujganj (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Arun Kumar Shukla, Advocate
For Non-Applicant/State	:	Shri Dinesh Kumar Tiwari, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

12.02.2021

- The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 25.11.2020 in connection with Crime No. 80/2019 registered in Police Station- Basantpur, District Balrampur-Ramanujganj (CG) for the offence punishable under Section 306 of IPC.
- Case of the prosecution, in brief, is that on 30.03.2016 at 09:00 am, the deceased went to Ambikarpur with one Tanveer Aalam Ansari Guruji to get a driving license. She returned her home at 08:30 pm and shared the sweets which she brought with her. At about 02:30 am in the night, the mobile-phone of the deceased was ringing, the brother of the deceased called his mother to close the mobile of the deceased. When the mother of the deceased went to the room of the deceased, she saw that the deceased committed suicide by hanging herself. The allegation against the present applicant is that he suspected the character of the deceased with Tanveer Aalam Ansari Guruji and on this, the applicant scolded the deceased. During investigation, it was

revealed by the witnesses that the deceased was having affair with the applicant.

3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He submits that there is no evidence against the applicant that he abetted the deceased to commit suicide. He further submits that the incident happened on 30.03.2016 and the F.I.R. lodged on 06.05.2019, therefore, there is long delay in lodging the F.I.R. He also submits that the applicant is in jail since 25.11.2020 and conclusion of the trial is likely to take some time, therefore, he be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, there is no specific allegation made against the present applicant that he abetted the deceased to commit suicide, the incident happened on 30.03.2016, there is long delay in lodging the F.I.R. i.e. on 06.05.2019, the detention period of the applicant, there is no apprehension of the applicant tampering with the evidence or absconding and conclusion of the trial is likely to take some time, without expressing any opinion on merits of the case, the bail application is allowed.
6. It is directed that in the event of applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-
 - i. he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
 - ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- iv. he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-
(Gautam Chourdiya)
Judge

vatti