

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 534 of 2021

1. Narayan Prasad Rajwade S/o Roopsay Rajwade, Aged About 27 Years, Caste Rajwar, R/o Village Girvarganj (Bairpara), Police Station And Tahsil Surajpur, District Surajpur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Surajpur, District Surajpur (C.G.).

---- Non-Applicant

For Applicant	: Shri Ashok Kumar Shukla, Advocate.
For Non-Applicant/State	: Shri B.L. Sahu, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

10/03/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 20/11/2020 in connection with Crime No. 514/2020 registered at Police Station Surajpur, District Surajpur (C.G.) for the offence under Section 304-B of IPC.
- 2) Case of the prosecution, in brief, is that the applicant was married with Anita Rajwade on 22/04/2016. The applicant used to harass and touch her wife Anita Rajwade in connection with demand of dowry as a result of which she committed suicide by hanging in night intervening 18th & 19th November of 2020.
- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant is in jail since 20/11/2020, charge sheet has already been filed and trial is likely to take some time for its disposal. He also submits that the applicant has no criminal

antecedent. Therefore, the present applicant be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. He submits that the applicant has no criminal antecedent.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the deceased was married with the applicant on 22/04/2016, as per statements of Jawahar Rajwade and Sunita Rajwade father and mother of the deceased, Ramgopal Rajwade and other witnesses about 14 months prior to the death there was dispute between the applicant and the deceased over not bringing motorcycle in marriage, no bringing Aadhar Card with her and also for not opening any Bank Account; the said dispute was settled by the parties and no single incident took place thereafter, no injury was found on the body of the deceased as per the inquest report and postmortem report, the detention period of the applicant who is 27 years old, the charge sheet has already been filed, offence is triable by Magistrate and the fact that the applicant is the first offender having no criminal antecedent and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, and the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant executing a personal bond for a sum of **Rs. 1,00,000/-** with **two** sureties of Rs. 50,000/- 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 in future .

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant