

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 222 of 2021

- Ratiram Gond S/o Ram Singh Gond Aged About 35 Years R/o Village Kanharbahara, Police Station And Tahsil Khadgawa, District Koriya Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Of Police Station Khadgawa, District Koriya Chhattisgarh.

---- Non-applicant

For Applicant	:	Shri Anil Gulati, Advocate
For Non-Applicant/State	:	Dr. (Ms.) Veena Nair, Dy.A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

17.02.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 19.11.2020 in connection with Crime No. 304/2020, at Police Station- Khadgawa, District-Koriya (C.G.) for the offence punishable under Section 306, 34 of I.P.C.
2. Case of the prosecution, in brief, is that the present applicant having affair with the wife of the deceased namely Hari Lal. The applicant used to visit to the house of the deceased in the presence of the deceased, beat him out and the applicant sleep with the wife of the deceased thereafter a Panchayat meeting was called in the village due to this reason the applicant abused the deceased through phone call, thereafter, the deceased committed suicide.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated, he is falsely

implicated in the case. No specific allegations made against the applicant in the suicide note, no bodily injury found on the body of the deceased, the applicant is in jail since 22.12.2020, the applicant has no criminal antecedents, there is no likelihood of the applicant tempering with the prosecution evidence or absconding and conclusion of trial may take some time, therefore, he may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that the applicant has no criminal antecedents.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation , extra marital affair of the wife of the deceased with the applicant, no specific allegation made against the applicant in suicide note, no injury on the body of the deceased, detention period of the applicant, the fact that the applicant has no criminal antecedents as admitted by both the counsel, there is no likelihood of the applicant tempering with the prosecution evidence or absconding and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
6. It is directed that in the event of the 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 following conditions:-
 - (a) 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.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said

Court till disposal of the trial.

(d) 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.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-

**(Gautam Chourdiya)
Judge**

Nadim