

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 418 of 2021**

- Chandrabhan Verma S/o Late Shri Shatruhan Verma Aged About 48 Years R/o Village - Kharra, Post - Kusmi , Police Station And Tehsil - Berla, District - Bemetara Chhattisgarh. Permanent Resident R/o Mig Delux382, Kabir Nagar, Behind Samudaik Bhawan Kabir Nagar, Raipur Chhattisgarh., District : Raipur, Chhattisgarh ---- **Applicant**

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Berla, District Bemetara Chhattisgarh., ---- **Non-applicant**

For Applicant : Mr. Abhishek Sinha, Advocate.

For State : Mr. D.K. Tiwari, Dy. Govt. Advocaet.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****23-02-2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he has been arrested in connection with Crime No. 527 of 2020 registered at Police Station Berla, District Bemetara (CG) for the offence punishable under Sections 498-A and 306 of IPC.
2. The allegation against the present applicant is that the applicant is the husband of the deceased Kiran Verma and he set her on fire on 14-9-2020 as a result of which she died. On the basis of report lodged by the brother-in-law of deceased Rajesh Kumar Verma, Police registered the offence under Section 498-A and 306 of IPC against the present applicant.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, there is no direct evidence that the present applicant abetted the deceased to commit suicide, only on the basis of suspicion, applicant has been arrested. He would further submit that dying declaration of the deceased reflects that no allegation of physical or mental harassment has been leveled against the present applicant by the deceased. The medical records of the deceased clearly shows that she was undergoing medical treatment since 2005 and was suffering from Paranoid Schizophrenia and Maniac Depressive Psychosis. He would further submit that charge sheet has been filed, applicant is in jail since 28-12-2020, and conclusion of the trial is likely to take some time, therefore he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, looking to the dying declaration of the deceased before the Tahsildar, health condition of the deceased, the fact that the marriage of applicant with deceased took place way back 23 years prior to the date of incident, no objection was raised by the relatives of the deceased for grant of bail to the applicant, the material collected by the prosecution, detention period of the applicant, charge-sheet has been filed and there is no likelihood of the applicant tampering with evidence or absconding as admitted by both the parties and that conclusion of trial

may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.

7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his 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 appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicant is being granted 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,
- 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, and
- 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 this court.

Sd/-

(Gautam Chourdiya)
Judge

Raju