

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C. No.497 of 2021

Arun Kumar Rajwade S/o Shri Kishun Ram Rajwade, Aged About 40 Years,
 Caste -Rajwar, Occupation -Agriculture, R/o : village -Girvarganj, P.S, Tehsil &
 District -Surajpur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station -Surajpur,
 District -Surajpur, Chhattisgarh.

--- Respondents

For Applicant	: Mr. Shakti Raj Sinha, Advocate.
For Respondent/State	: Mr. Ashish Tiwari, GA.

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

01/03/2021

Heard.

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.402/2020, registered at Police Station -Surajpur, Distt -Surajpur, (C.G), for the offence under Section 306 of the Indian Penal Code.
2. Learned counsel for the applicant submits that marriage of applicant and deceased -wife was solemnized about 13-14 years prior to the date of incident. The main allegations against applicant is that he used to quarrel and beat his deceased -wife under the influence of liquor. Learned counsel submits that allegation levelled against the applicant with regard to the demand of dowry is an after-thought only to make out the offence of grievous nature. Referring to the statements of children of applicant namely Ku. Purnima Rajwade & Rajendra Rajwade who were residing with them, he submits that except the allegations that applicant used to quarrel and beat his wife, there is nothing in the statements of these two witnesses. Applicant is in jail since 08.10.2020 and the trial may take

some time, therefore, he may be released on bail.

3. Learned State Counsel opposes the submission of learned counsel for the applicant and submits that allegations levelled against the present applicant are of grievous nature. Referring to the statements of mother, father and brother of deceased, he argued that there are specific allegations against the applicant with regard to demand of dowry. Hence, he is not entitled for grant of bail.
4. Heard learned counsel for both the parties.
5. Considering the entire facts and circumstances of the case, nature of allegations, statements of children of applicant and deceased who were residing with them all along and further considering the period of marriage which is about 13-14 years prior to the date of incident, I am inclined to allow the application.
6. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing bail bond in sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the concerned 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.
 - c) If he is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

Jamal/-