

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 697 of 2021**

- Tulesh Patel, S/o Rajjoram Patel, Aged About 27 Years, R/o Village- Khursipar (Bandhan Bazaar), Police Station and Tahsil Ambagarh Chowki, District- Rajnandgaon, Chhattisgarh.

**---- Applicant**

**Versus**

- State of Chhattisgarh, Through- Station House Officer, Police Station- Ambagarh Chowki, District- Rajnandgaon, Chhattisgarh.

**---- Non-Applicant/State**

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| For Applicant           | : | Shri Hemant Kesharwani, Advocate |
| For Non-Applicant/State | : | Shri Vaibhav Singh, P.L.         |

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**Hon'ble Justice Shri Gautam Chourdiya**

**Order on Board**

**06.04.2021**

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 27.12.2020 in connection with Crime No. 240/2020, at Police Station- Ambagarh Chowki, District- Rajnandgaon (C.G.) for the offence punishable under Section 306 of IPC.
2. The allegation against the applicant is that he used to quarrel with his wife frequently and drop her at her parental home in every fortnight. Being fed-up with ill-treatment, on 08.09.2020 Therefore, she consumed pesticide and became unconscious. She was taken to her parental home by the applicant instead of taking her hospital and due to delay in medical treatment she died.
3. Learned counsel for the applicant submits that the allegations

against the applicant are false and fabricated. Learned counsel for the applicant further submits that the relation between the applicant and deceased/wife was cordial and there is nothing to show that there was dispute between them. Further, there is inordinate delay in lodging the report, as the incident took place on 08.09.2020 whereas FIR was lodged on 26.12.2020. The necessary ingredients for proving the offence under Section 306 of IPC are missing. The applicant is in jail since 27.12.2020, he is young offender, charge-sheet has already been filed, the applicant/accused has no criminal antecedents and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the Non-Applciant/State opposes prayer for grant of bail and submits that prima-facie case is made out against the present applicant because he used to commit *marpit* with the deceased and as a result of which she consumed poison. However, 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, detention period of the applicant, who is 27 years old, the fact that allegation against the the applicant is only regarding domestic dispute, as per Post-mortem report there no external injuries on the body, cause of death is due to poisoning, charge-sheet has already been filed, the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, 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