

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1034 of 2021**

- Anoop @ Seeman Yadav, S/o Udho Ram Yadav, Aged About 29 Years, R/o Village Tikrapara, Police Station & Tahsil Devbhog, District Gariyaband, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through The Station House Officer, Police Station Devbhog, District Gariyaband, Chhattisgarh.

---- Non-applicant

For Applicant	:	Shri Shivendu Pandya, Advocate.
For State	:	Shri Amit Singh, P.L.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****23/03/2021**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.192/2020 registered at Police Station Devbhog, District Gariyaband, C.G. for the offence punishable under Section 306 of the Indian Penal Code, 1860 and Sections 25 & 27 of the Arms Act, 1959.
2. Case of the prosecution, in brief, is that on 04.12.2020, the deceased Smt. Suneli Yadav, who was the wife of the applicant, committed suicide by hanging herself. After the incident, on information being given by the applicant merg intimation was registered and after merg inquiry and recording of statements of the witnesses, offence under Section 306 of IPC was registered against the applicant.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. In this case the ingredients necessary for attracting the offence under Section 306 of IPC are extremely missing. The applicant who is 29 years old is in jail since 28.12.2020, charge sheet has already been filed and the conclusion of trial is likely to take some time, therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the fact that marriage of the applicant with the deceased was solemnized around 6 years prior to the date of incident, the nature of the allegation against the applicant that the deceased used to remain upset, as the applicant was alcoholic, no injury on the person of the deceased was noticed at the time of inquest or post mortem, the detention period of the applicant who is 29 years old, the fact that the applicant has no criminal antecedent and there is no apprehension of his absconding or tampering with the evidence as admitted by both the counsel, charge sheet has already been filed and conclusion of the trial is likely to take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.50,000/- with two surety for the like sum amount of Rs.25,000/- 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 similar nature in future.

Sd/-
Gautam Chourdiya
Judge