

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1706 of 2021**

Ajeet Singh S/o Mansingh, Aged About 23 Years, R/o Village Singrooli, Police Station Janakpur, Tahsil Bharatpur, District Korea, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Incharge S. O. Police Station Janakpur, District Korea, Chhattisgarh.

---- Non-applicant

 For Applicant : Ms. Usha Chandrakar, Advocate
 For Non-applicant/State : Ms. Anjali Singh Chouhan, P.L.

(Proceedings through Video Conferencing)
Hon'ble Shri Justice Parth Prateem Sahu

Order on Board**13.07.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 09.10.2020 in connection with Crime No.132 of 2020 registered at Police Station Janakpur, District Korea (C.G.) for commission of offence punishable under Section 306, 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that deceased Usha Singh was married with present applicant in the year 2017, she stayed in her matrimonial house. Present applicant along with Sanjula and Manjula started harassing Usha Singh, they used to lock her in the room and also assaulted her. Aggrieved by harassment and assault by her in-laws, she consumed poison and committed suicide. Merg was intimated to concerned Police Station and after

merg inquiry, instant crime was registered against the present applicant and two others, namely Sanjula and Manjula, who are sister-in-law of deceased.

3. Ms. Usha Chandrakar, learned counsel for the applicant submits that false and frivolous allegations have been levelled against the present applicant and others. Present applicant has not ill-treated the deceased, there is no mention with regard to any reason for assault or ill-treatment. As per allegation, deceased Usha Singh resided in her parental house for about 5 months and thereafter, her mother came to in-laws house of deceased and after leaving her, returned back to her own house. She submits that there is no allegation prior to the date of incident and no community meeting has been taken place nor elder members of both the family members have been intimated about any ill-treatment or harassment to deceased. She further referred to the statement of Kiran Singh to submit that there is no allegation of assault/*marpeet* made by the deceased to her during her stay in her parental house, but for allegation that applicant do not like her. It is contended that allegations levelled against the present applicant and co-accused persons is an afterthought only to implicate them in a false case. He submits that police during the course of investigation has recorded statement under Section 161 of the Cr.P.C. of one Pushpa Singh, who is neighbour to in-laws house of deceased. Pushpa Singh used to give her mobile phone for the purpose of talking as the deceased was not having mobile phone. It is stated that deceased has not made any allegation with

regard to administering her any medicine by in-laws, hence, the allegation that prior to the date of incident, some medicine administered by the present applicant is baseless. She lastly submits that the applicant is in jail since 09.10.2020, hence, he may be released on bail.

4. On the other hand, Ms. Anjali Singh Chouhan, learned P.L. for the State opposes the prayer for grant of bail and submits that there are serious allegations levelled against the present applicant by mother of the deceased wherein she has stated that present applicant was not liking her daughter, therefore, her daughter was being harassed, ill-treated and even assaulted by the present applicant. Prior to the date of incident, deceased was admitted to hospital on the complaint of vomiting and after discharged from the hospital, it was asked by mother of deceased as to what happened, she was stated to her that co-accused persons caught hold of her and present applicant has administered some medicine and thereupon, she became unwell. She submits that in view of allegations levelled against the present applicant, he is not entitled for grant of bail. She also read over the statement of Kiran Singh in support of her submissions.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations levelled against the present applicant, further considering the statement of Kiran Singh and Pushpa Singh, where Kiran Singh has not stated that when the deceased came to her house to talk, with regard to any assault by the applicant,

but for complaint that applicant does not like her, Pushpa Singh has not made any allegation with regard to the information given by the deceased to her of administering her with any poisonous substance 10 days prior to the incident and the fact that the applicant is in jail since 09.10.2020, without further commenting on the merits of the case, I am inclined to enlarge the applicant on regular bail.

7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;

- a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
- b) He shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge