

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1779 of 2021

- Smt. Basanti, W/o Late Harilal Gond, Aged About 40 Years, R/o Village Taamdand, Police Station Khadgawa, District : Koriya, Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh, Through- Station House Officer, Police Station Khadgawa, District : Koriya, Chhattisgarh.

---- Non-applicant

For Applicant	:	Shri Avinash Chand Sahu, Advocate
For Non-Applicant/State	:	Shri B.L. Sahu, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

12.03.2021

1. Heard on admission.
2. The application is admitted for hearing.
3. With the consent of the parties, the matter is heard finally.
4. 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 19.11.2020 in connection with Crime No.304/2020, at Police Station- Khadgawa, District- Koriya (C.G.) for the offence punishable under Section 306/34 of I.P.C.
5. Case of the prosecution, in brief, is that the present applicant who is wife of the deceased namely Hari Lal, having affair with the co-accused namely Ratiram Gond. The co-accused person frequently used to come to the house of the present applicant in the presence of the present applicant's husband/deceased. The deceased called Panchayat meeting in the village regarding the

above issue, due to this reason, the co-accused person abused the deceased through phone call, thereafter, the deceased committed suicide.

6. Learned counsel for the applicant submits that the allegation against the applicant is false and fabricated. Learned counsel for the applicant further submits that no specific allegations made against the present applicant in the suicide note, no bodily injury found on the body of the deceased, the co-accused person has already been granted bail by this Court vide order dated 17.02.2021 in MCRC No. 222 of 2021, that the applicant/accused is in jail since 19.11.2020, she has no criminal antecedents and conclusion of the trial is likely to take some time, therefore, at this stage, she may be granted bail.
7. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that the applicant has no criminal antecedents.
8. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, extra marital affair of the present applicant with the co-accused, no specific allegation made against the present applicant in suicide note, no injury on the body of the deceased found, the fact that co-accused person has already been granted bail by this Court, the detention period of the applicant, who is 40 years old, the applicant has no criminal antecedents there is no likelihood of the applicant tempering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, the application is allowed.
9. 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, she shall be released on bail on following conditions:-

(a) she 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) she shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

(d) she shall not involve herself 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 herself in similar offence in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim