

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRCA No. 361 of 2021**

Ramgopal Yadav, Aged about 25 years, S/o Mahettar Yadav, R/o Village Dhanpur (Changori), Distt. Janjgir-Champa, Chhattisgarh.

---Applicant

Versus

State Of Chhattisgarh Through the District Magistrate, Distt. Bilaspur, Chhattisgarh.

--- Non-applicant/State

For Applicant :- Mr. Suresh Kumar Verma, Advocate

For State :- Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

21/05/2021

1. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who has been arrested in connection with Crime No. 54/2021, registered at Police Station – Masturi, Distt. Bilaspur (CG), for the offence punishable under Section 306 of IPC.

2. Case of the prosecution, in brief, is that one Kumari Jamuna Yadav committed suicide on 29/04/2020 because the present applicant was engaged to marry her but then denied for marriage and married

another girl, and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the present applicant has not committed any offence and he has falsely been implicated in the crime in question as though he was engaged with deceased Jamuna Yadav in the year 2018 but thereafter, he had already married on 15/05/2019 and he also has an issue out of that marriage, as such, there is no evidence on record to connect the present applicant with the aforesaid offence and he is entitled for grant of anticipatory bail.

4. Learned State Counsel would oppose the bail application and submit that since the applicant was engaged to the deceased Jamuna Yadav and she was not married and was even pregnant on the date of committing suicide, therefore, offence has been registered against the applicant and there is material on record to show that on account of the present applicant, Jamuna Yadav has committed suicide.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role

of the present applicant and considering that the applicant was engaged to marry with Jamuna Yadav only in the year 2018 and thereafter, he got married with another girl in the year 2019 and also has a child out of that marriage and now, Jamuna Yadav is said to have committed suicide on 29/04/2020 and on the basis of the material available on record at present, I consider it a fit case for grant of anticipatory bail to the present applicant.

7. Accordingly, the bail application filed under Section 438 of the Cr.P.C. is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of 25,000/- with one surety in the like amount to the satisfaction of the concerned Investigating/Arresting Officer. The applicant shall also abide by the following conditions:-

(I). that he shall make himself available for interrogation before the concerned Arresting/Investigating Officer as and when required;

(ii). that he shall not, directly or indirectly, make any inducement, threat or promise to the

person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(iii). that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv). that he shall also appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

8. Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet