

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 1862 of 2021

- Mahesh Yadav, S/o Rajkumar Yadav, Aged About 29 Years, Caste Ahir, R/o Village Sasouli Jhiropara, P.S. and Tehsil Lundra, District- Surguja, (Ambikapur), Chhattisgarh. ---- **Applicant**

Versus

- State of Chhattisgarh, Through: Station House Officer, Police Station Lundra, District- Surguja (Ambikapur), Chhattisgarh.

---- **Non-Applicant**

For Applicant	:	Shri Nishi Kant Sinha, Advocate
For Non-Applicant/State	:	Shri Anand Verma, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

08.06.2021

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 12.01.2021 in connection with Crime No. 02/2021, at Police Station- Lundra, District- Surguja (C.G.) for the offence punishable under Section 306 of IPC.
2. The allegation against the applicant is that the present applicant solemnized marriage with the deceased in the year of 2016. Out of their wedlock two children are born. After marriage, the applicant started quarreling with the deceased and harassing her. One day prior to the incident, the applicant had a quarrel with the deceased as she wanted to go to her parental house for celebrating Rakshabandhan and thereafter she committed suicide by jumping into the well.

3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated. He submits that the marriage was solemnized in the year of 2016 and the deceased committed suicide on 28.07.2020 and during this period there was no single complaint lodged against the applicant. Charge-sheet has already been filed, due to COVID-19 the proceedings of the trial Court has not yet commenced and will take sufficient time for its disposal. It is submitted that the applicant has no criminal antecedents and he is in jail since 12.01.2021, 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 the present applicant used to quarrel with the deceased all the time and also harass her over trivial issues, as a result of which the deceased committed suicide by jumping into the well. 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, 4 years of marriage of the applicant, out of their wedlock two children are born, no complaint regarding the alleged dispute was ever made, charge-sheet has already been filed, detention period of the applicant, who is 29 years old, the fact that 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 due to COVID-19 situation, conclusion of trial may take some time, therefore, without commenting anything on merits of the case, 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 strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

(e) he shall not involve himself in any offence in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Gautam Chourdiya)
Judge

Nadim