

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 1936 of 2021

- Prasanjit @ Sushant Das, S/o Parimal Das, Aged About 28 Years, R/o Jalenpara, Raigarh, District- Navrangpur, Odhisa.

---- Applicant

Versus

- State of Chhattisgarh, Through- The S.H.O. Station Charama, District- North Bastar, Kanker, Chhattisgarh. **---- Non-Applicant**

For Applicant : Shri Abhishek Pandey, Advocate
For Non-Applicant/State : Shri Anand Verma, Dy.A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

05.07.2021

- 1) The first bail application of the present applicant was dismissed as withdrawn vide order dated 27.01.2021 in MCRC No. 8940 of 2020.
- 2) The applicant has preferred this Second Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 13.11.2020 in connection with Crime No.44/2020, registered at Police Station-Charama, North Bastar Kanker, (C.G.) for the offence punishable under Section 304 B/34 of IPC.
- 3) Case of the prosecution, in brief, is that the deceased and the present applicant performed a love marriage by executing an affidavit Notary and thereafter in temple. After few days of marriage the present applicant alongwith co-accused persons/family members of the present applicant, went to the parental house of the deceased and told the parents of the deceased that they did not like the deceased, they did not get any dowry and thereafter accused persons demanded Rs.

10,00,000/-, Rs. 20,000/- per month for doing business by the present applicant and later on, the deceased and present applicant regarding demand of said cash amount would fight with each-other, as a result of which deceased committed suicide by consuming poison and during treatment the deceased died.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further submits that the applicant has no criminal antecedents, charge-sheet has already been filed, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, the applicant has been arrested on 13.11.2020, the present applicant also lodged complaint before Magistrate against the deceased and her family members, incident took place on 07.10.2019 and FIR was lodged on 19.02.2020 with four months delay and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
- 5) On the other hand, learned counsel for the Non-Applciant/State opposes the bail application and submits that the applicant has no criminal antecedents.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, charge-sheet has already been filed, looking to the documents, the present applicant also filed complaint before Magistrate, counter FIR (Annexure A/3 to A/5), the detention period of the applicant, who is 28 years old and 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 conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 7) It is directed that in the event of the applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.

50,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on 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 strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

Sd/-
(Gautam Chourdiya)
Judge

Nadim