

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2516 of 2021

- Jitendra Kumar Gabel S/o Milap Ram Gabel, Aged About 25 years, R/o Village Sajapani, P.S. Jobi, Tehsil Kharsia, District Raigarh, Civil & Revenue District Raigarh (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through : District Magistrate Korba (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Rajesh Roshan Singh, Advocate
For Non-Applicant/State	:	Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

16.06.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 07.02.2021 in connection with Crime No. 50/2021 registered in Police Station- Balko Nagar, Korba, District Korba (CG) for the offence punishable under Section 306 of IPC.
2. Marriage of deceased Divya Gabel and applicant was solemnized prior to 4-5 years of her death. As per prosecution case, on the date of incident i.e. 02.11.2019 deceased got burnt from the lamp (chimney) during the course of cooking food inside the kitchen and during treatment in the hospital she died. The allegation against the present applicant is that he used to quarrel with the deceased and beat her, therefore, she committed suicide.
3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He submits that on 02.11.2019, the dying declaration statement of the deceased was recorded by the Sub-Divisional Magistrate wherein the deceased had stated that she received burn injuries from the lamp while cooking food inside the kitchen. He submits that the applicant is in jail since 07.02.2021 and conclusion of the trial is likely to take some time, therefore, he be released

on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the fact that marriage of the deceased with applicant was solemnized prior to 4-5 years of her death and she died on 02.11.2019, as per dying declaration of the deceased, she was not set on fire by anyone and no specific allegation is there against applicant, further prior to the incident no any dispute between the applicant and the deceased took place, nor any F.I.R. was lodged against the applicant, no any social meeting was convened regarding quarrel between both of them or any cruelty shown to have been committed by the applicant, the detention period of the applicant who is 25 years old, charge-sheet has already been filed, due to covid-19 pandemic, conclusion of the trial is likely to take some time, there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail application is allowed.
6. It is directed that in the event of 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 the 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/her 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.
 - v. he shall not involve himself in any offence of similar nature in

future.

7. 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 himself in similar nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

vatti