

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.2487 of 2021

Gajju Pal Son Of Ramesh Pal Aged About 20 Years R/o Village - Khamariya,
Police Chowki - Chandnu, Police Station - Nandghat, District Bemetara
Chhattisgarh **---- Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Chowki -
Chandnu, Police Station - Nandghat, District Bemetara Chhattisgarh

---- Respondent

For Applicant	:	Shri Amit Kumar, Advocate
For Respondent/State	:	Shri Ishwar Jaiswal, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06.08.2021

Heard.

1. The applicant has been arrested in connection with Crime No.133 of 2020 registered at Police Station- Police Chowk, Chandnu, Police Station Nandghat, District Bemetara (CG) for the alleged commission of offence under Section 306 of IPC.
2. This is repeated application filed by the applicant based on subsequent events that subsequently the suicidal note of the prosecutrix said to be written by the prosecutrix has turned out to be written by someone else as per report by handwriting expert.
3. Case of the prosecution is that even after the prosecutrix's marriage was fixed with another person, the applicant who was her earlier lover kept on threatening her that if she does not admit for sexual intercourse, he will disclose to her fiancé.
4. Learned counsel for the applicant would submit that the allegation of applicant harassing prosecutrix and compelling her to have sexual intercourse is based on a letter of the prosecutrix said to be written by the prosecutrix but later on handwriting expert has examined and it has been

opined that the letter was not written in the handwriting of the prosecutrix. This evidence has been collected by the trial Court itself, therefore, now it is a case of no evidence against the present applicant because there is no other evidence of any other person that in his presence the prosecutrix was threatened or blackmailed by present applicant.

5. On the other hand, learned State counsel opposes the prayer and submits that at present trial is going on and the dying declaration was found mere recording on body of the prosecutrix which contained such recitals. Therefore, at this stage, applicant may not be granted bail.
6. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration the submission regarding handwriting expert report and so-called suicidal note being the main evidence sought to be used against the applicant, at this stage when trial is not concluded and that the applicant is in jail since 30.09.2020, I am inclined to grant bail to the applicant. Accordingly, the application is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge