

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2941 of 2021**

- Satyanarayan Nishad @ Satya, S/o Chheduram Nishad, aged about 24 Years, R/o Village Kerakachhar, Police Station Kartala, District Korba, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Kartala, District Korba, Chhattisgarh.

----Non-applicant

For Applicant	Shri Dharmesh Shrivastava, Advocate.
For State	Shri Anand Verma, Deputy G.A.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

08/07/2021

1. The matter is heard through Video Conferencing.
2. The applicant has preferred this application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.22/2021 registered at Police Station Kartala, District Korba, C.G. for the offence punishable under Section 306 of Indian Penal Code.
3. According to the prosecution case, the applicant was having love affair with the deceased for the last 2-3 years prior to the date of incident. When the deceased asked the applicant for marrying her, he refused. When the deceased came to know that the applicant is looking for another girl for marriage, she contacted

the applicant for not doing so and ultimately she committed suicide on 02.02.2021 by hanging.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He also submits that there was love affair between the applicant and the deceased for the last 2-3 years prior to the date of incident and that there is no element of abetment on the part of the applicant to constitute the offence alleged against him. Applicant is in custody since 26.03.2021, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, he may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation against the applicant, detention period of the applicant, who is 24 years old, charge sheet has already been filed, the fact that there was love affair between the applicant and the deceased for the last 2-3 years prior to the date of incident, the applicant has no criminal antecedent and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, the application is allowed. 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 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.

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 offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh