

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 3264 of 2021

- Ram @ Sanoj Kumar, S/o Jagat Ram Harijan, Aged About 21 Years, Caste Suryawanshi, R/o Vill. Podidih, P.S. Khadgawa, District- Koriya, Chhattisgarh. ---- **Applicant**

Versus

- State of Chhattisgarh, Through- The Station House Officer, P.S. Khadgawa, District- Koriya, Chhattisgarh. ---- **Non-Applciant**

For Applicant : Shri Manoj Kumar Jaiswal, Advocate
For Non-Applciant/State : Shri Adil Minhaj, Government Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

27.07.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 22.02.2021 in connection with Crime No. 52/2021, registered at Police Station- Khadgawa, District- Koriya (C.G.) for the offence punishable under Section 306, 34 IPC.
- 2) Case of the prosecution, in brief, is that the present applicant alongwith other co-accused persons used to harass and torture the deceased in connection with illicit relation of the deceased with co-accused namely Durgavati, as a result of which, on 18.02.2021, the deceased committed suicide by hanging. The deceased wrote one suicide note before committing suicide and on the basis of said suicide note the present applicant alongwith co-accused person were arrested.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further submits that case diary statements of the relatives of the deceased have not supported the case of the prosecution,

charge-sheet has already been filed, the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding the applicant has been arrested on 22.02.2021 and due to Covid-19 trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedents.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, nature of the allegation made against the present applicant, charge-sheet has already been filed, love affair of the deceased with co-accused Durgavati, the detention period of the applicant, who is 21 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 due to Covid-19 conclusion of trial may take some time, 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.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,

(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

Nadim