

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3237 of 2021

1. Akila @ Aina Darji W/o Late Dinesh Kumar, Aged About 33 Years, R/o Nide=3C W C Chimpoo, Itanagar, District Papum Pare Arunachal Pradesh At Present Choprapara, Ambikapur Police Station And Post Office Ambikapur, District Sarguja (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Podi, District Koriya (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Parag Kotecha, Advocate.
For Non-Applicant/State	:	Dr. (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Justice Shri Gautam Chourdiya
Order on Board

16/07/2021

- 1) The matter is heard through Video Conferencing.
- 2) This is the **Third Bail Application** filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. The First Bail Application i.e. MCRC 4407/2019 was rejected on merits on 11/09/2019 and the Second Bail Application i.e. MCRC No. 4467/2020 was also rejected on merits on 19/08/2020.
- 3) The applicant is arrested on 15/04/2019 in connection with Crime No. 78/2019 registered at Police Station Podi, District Koriya (C.G.) for the offence under Section 306, 34 of IPC.
- 4) As per prosecution case, the applicant used to ill treated her husband Dinesh Kumar (deceased) and that prior to the date of incident i.e. 13/04/2019 the deceased had a quarrel with the applicant and one Mohd. Javed. Being fed up with the behaviour and conduct of the applicant, her husband Dinesh Kumar committed suicide by hanging himself leaving behind a suicide note.
- 5) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the

ingredients necessary for attracting the offence under Section 304/34 of IPC are extremely missing in this case against the applicant. He further submits that applicant has been arrested on 15/04/2019. He submits that co-accused Mohd. Javed was released on bail by the 1st Additional Sessions Judge, Manendragarh, charge sheet has already been filed, the applicant has no criminal antecedent, the SLP (Crl.) No. 6474/2020 filed by the applicant was dismissed by the Hon'ble Supreme Court with a direction to the applicant to file fresh bail application before the Trial Court for consideration, which has been rejected by the Trial Court and due to COVID-19 Pandemic there is no likelihood of early disposal of the trial. Therefore, the applicant be released on bail by this Court.

- 6) On the other hand, learned counsel for the State opposes the bail application. She submits that the applicant has no criminal antecedent.
- 7) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicant who is 33 years old, charge sheet has already been filed, the fact that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, there is no substantial progress in the trial after rejection of the second bail application by this Court on 19/08/2020, the observation of the Hon'ble Supreme Court in the SLP (Crl.) No. 6474/2020 filed by the applicant and looking to COVID-19 Pandemic there appears to be no likelihood of early disposal of the trial in the near future, in the changed facts and circumstances of the case, the application is **allowed**. 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 the following conditions:-
 - i. she 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. she shall not act in any manner which will be prejudicial to fair and expeditious trial,
- iii. she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial,
- iv. she shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
- v. she 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 herself in similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant