

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3248 of 2021**

- Dinesh Balmiki, Son of Chhotelal Balmiki, aged about 37 Years, Residence of Chimnibhattha, Chouki Manikpur, Present Address Jyoti Nagar Basti Deepaka, Tahsil Katghora, District - Korba (Chhattisgarh).

----Applicant**Versus**

- State of Chhattisgarh, Through Police Chouki Manikpur, Police Station Kotwali, District - Korba (Chhattisgarh).

----Non-applicant

For Applicant	Shri Vikas Kumar Pandey, Advocate.
For State	Shri Anand Verma, Deputy Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

03/08/2021

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.227/2021 registered at Police Station Kotwali, District Korba, C.G. for the offence punishable under Section 306 of Indian Penal Code.
3. According to the prosecution case, marriage of deceased was solemnized with the present applicant in the year 2012. Thereafter, applicant committed marpeet with the deceased many times. It is alleged that before marriage applicant was having affair with another girl and when the deceased came to know that

the applicant is looking for another girl, she told the applicant for not doing so. On the date of incident i.e. 11.01.2017, there was quarrel between the applicant and the deceased over repairing of her mobile phone and being fed up with the ill-treatment of the applicant and his quarrelsome nature, she committed suicide on 11.01.2017 by hanging herself.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that there is no direct proof of applicant's involvement in the alleged crime. There is delay in lodging the FIR of more than four years after the incident. Applicant is in custody since 01.04.2021, charge sheet has already been filed and due to COVID-19 pandemic, 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, the fact that over family dispute and the alleged affair of the applicant with another girl, deceased committed suicide by hanging, no sign of beating was there on her body, the delay of more than four years in lodging the FIR, the detention period of the applicant, who is 37 years old, charge sheet has already been filed, 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