

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 3470 of 2021

- Deepak Kumar Suryavanshi, son of Shri Narmada Prasad Suryavanshi, aged about 26 years, resident of village Matiyari, Police Station Seepat, District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through: Station House Officer, Police Station Seepat, District Bilaspur (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Nitansh Kumar Jaiswal, Advocate
For Non-Applicant/State	:	Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

25.08.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 19.03.2021 in connection with Crime No. 114/2021 registered in Police Station- Seepat, District Bilaspur (CG), for the offence punishable under Section 306 of IPC.
2. As per prosecution case, the marriage of the applicant and the deceased was solemnized on 27.06.2020 as per rites and ritual customs. It is alleged that on 05.10.2020 the present applicant had gone to Mopka for painting work, and his brother and father were also gone for their work, when he came in the house, he obtained information that her wife committed suicide by hanging herself. Thereafter, police has investigated the matter and during investigation the police has registered the said offence under Section 306 of IPC against the applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 19.03.2021 and due to Covid-19 pandemic, trial is likely to take some time

for its final disposal. Therefore, the applicants be released on bail by this Court. He also submits that before committing suicide, the deceased had written the suicidal note in which there is no specific allegation made against the present applicant that he abetted the deceased to commit suicide or she was being subjected to cruelty and harassment by him.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the fact that hand writing expert confirmed after examination of the suicide note of the deceased that the author of the suicide note was deceased as compared by other documents of the deceased and in the said suicidal note, there is no specific allegation made against the present applicant that he abetted the deceased to commit suicide or she was being subjected to cruelty and harassment by him, that as per postmortem report no injury was found on the body of the deceased, only the allegation against the husband is that he suspected the character of the deceased, the detention period of the applicant who is 26 years old, the fact that 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 pandemic, 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 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/her 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.

7. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

vatti