

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4909 of 2021**

- Nageshwar Yadav, S/o Nandkumar Yadav, Aged About 28 Years, R/o Village Nardhi, Police Station Purani Bhilai, District Durg (Chhattisgarh).

----Applicant**Versus**

- State of Chhattisgarh Through: The Station House Officer, Police Station Purani Bhilai, District Durg (Chhattisgarh).

---- Respondent

For Applicant	:	Mr. Praveen Dhurandhar, Advocate.
For Respondent/State	:	Mr. Chandrabhushan Kesharwani, P.L.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****30/07/2021**

Proceeding through Video Conferencing.

- 1) The applicant has preferred this application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 11.06.2020 in connection with Crime No. 149/2020 registered at Police Station Purani Bhilai, District Durg (C.G.) for the offence punishable under Sections 306, 498-A of Indian Penal Code.
- 2) As per the prosecution case, marriage of the applicant with the deceased was solemnized in the year 2013. Since the applicant was no doing any work for the last 2 years, his wife used to ask him for doing some work on which the applicant would beat her. On 23.05.2020, the applicant also assaulted his wife/deceased suspecting her character. Having been fade up with the persisting ill-treatment by the applicant, she committed suicide by pouring kerosene on her and setting herself ablaze.
- 3) Learned counsel for the applicant submits that applicant is

innocent and has been falsely implicated in this case. The basic ingredients for attracting the offence under Section 306 of IPC are extremely missing in this case. The applicant is in jail since 11.06.2020, charge-sheet has already been filed, there is no apprehension of the applicant absconding or tempering with the evidence of the prosecution, due to COVID-19 pandemic, conclusion of the trial is likely to take some time, and, therefore, the applicant be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, looking to the fact that marriage of the applicant and the deceased was solemnized in the year 2013, out of their wed-lock, two children were born. There is no nothing to show any cruelty committed by the applicant to the deceased on the date of incident. There is no specific allegation of ill-treatment against the applicant, detention period of the applicant who is 28 years of old, Charge-sheet has already been filed. There is no apprehension of the applicant absconding or tempering with the evidence of the prosecution, due to COVID-19 pandemic, conclusion of the trial is likely to 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 the following conditions:-
 - (a) 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.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

- (d) he shall not involve himself in any offence of similar nature in future.
- (e) he shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

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

Ruchi