

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5089 of 2021**

- Mobarak Ansari, S/o Mohd. Kalim Ansari, aged about 20 years, R/o Gamhariya, Outpost Vijaynagar, Police Station Ramanujganj, District Balrampur- Ramanujganj (CG).

---- Applicant (In Jail)**Versus**

- State of Chhattisgarh Through Station House Officer, Out Post Vijaynagar, Police Station Ramanujganj, District Balrampur- Ramanujganj (CG)

---- Non-applicant

For Applicant	:	Mr. Amarnath Pandey, Advocate
For Non-applicant	:	Mr. Kapil Maini, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu**Order On Board****25/10/2021**

1. This is first application under Section 439 of CrPC for grant of regular bail to applicant who is in custody since 20.3.2021 in connection with Crime No.74/2021 registered at Police Station Ramanujganj, District Balrampur-Ramanujganj (CG) for commission of offence under Section 306 of IPC.
2. Case of prosecution, in brief, is that on 15.3.2021 Punita Yadav was found dead by hanging in her room by her uncle. Merg was intimated to concerned police station. During the course of merg inquiry, police collected whatsapp chats from the mobile phone of deceased and also recorded statement of father and uncle of deceased. Based on merg inquiry, crime in question is

registered against applicant.

3. Mr. Amarnath Pandey, learned counsel for applicant submits that absolutely false and baseless allegations are levelled against applicant. There was some relationship between applicant and deceased; marriage of applicant was fixed with some other girl and Churawan ceremony (engagement) of applicant was to be performed on 15.3.2021. From 14.3.2021 till mid night of 15.3.2021 there was whatsapp chatting between deceased and applicant, as seized by police during course of investigation, and there is nothing in these chatting to show that there was any instigation or abetment on the part of applicant which led the deceased to commit suicide. There is no material in case diary to connect applicant with crime in question as there is no material or allegation against applicant of instigation or abetment to commit suicide by deceased Punita Yadav. He submits that whatsapp chats seized by police from mobile phone of deceased would only show that there was love affair between deceased and applicant; deceased was well aware about engagement ceremony of applicant with some other girl. He submits that allegation of preparing obscene video of deceased by applicant is levelled subsequently by uncle and father of deceased. However, except statement regarding preparation of obscene video of deceased, no material is collected by police showing that applicant has prepared any obscene video of deceased and is also not appearing in whatsapp chat. Hence, applicant may be released on regular

bail.

4. On the other hand, Mr. Kapil Maini, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that it has come in statement of Naresh Yadav, father of deceased, and Ashrafi Yadav, uncle of deceased, that applicant has prepared obscene video of deceased and thereby forced her to indulge herself in affair with him. Hence, there is prima facie involvement of applicant in commission of offence in question. However, he does not dispute that whatsapp chatting seized by police, which is part of charge sheet, do not disclose any act of instigation or abetment on the part of applicant.
5. I have heard learned counsel for parties.
6. Taking into consideration nature of allegation, material collected by police, particularly whatsapp chatting between deceased and applicant just prior to commission of suicide by deceased, without commenting anything on merits of case, I am inclined to release applicant on regular bail.
7. Accordingly, the application is allowed and it is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to satisfaction of trial Court concerned on the conditions that;
 - he shall appear before the trial Court concerned regularly on each and every date unless exempted from

appearance.

- he shall not, in any manner, tamper with the prosecution witnesses.
- if applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-