

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5128 of 2021

1. Bhavdal S/o Late Mohan Bharewa, Aged About 42 Years, R/o Shreerampur, Police Station Kelhari, District Koriya (C.G.).

---- Applicant

Versus

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

---- Non-Applicant

For Applicant	: Mr. Anil Gulati, Advocate.
For Non-Applicant/State	: Mr. Shrestha Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

04/08/2021

- 1) The matter is heard through Video Conferencing.
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 30/09/2020 in connection with Crime No. 77/2020 registered at Police Station Kelhari, District Koriya (C.G.) for the offence punishable under Section 306 of Indian Penal Code.
- 3) As per prosecution case, during merg inquiry into the death of Jamunakali on the intimation being given by her husband (Dharamlal) complainant it was found that her marriage with the complainant was solemnized 30 years ago and out their wedlock 6 children were born. It was further revealed that in June 2019 the applicant took away the deceased and kept her with him for 8-9 months as a wife and later on deserted her a result of which she committed suicide on 07/01/2020 by consuming poison. On report being lodged to the above effect, the aforesaid offence has been registered against the applicant.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that there is inordinate delay in lodging the FIR, applicant is in jail since 30/09/2020 and trial is likely to take some time for its disposal. Therefore, the applicant 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 fact that the deceased was married with the complainant for the last 30 years and out of their wedlock 6 children were born, she lived with the applicant for about 8-9 months as a wife and committed suicide on applicant's refusal to keep her with him, the nature of allegation against the applicant, the detention period of the applicant who is 42 years old, the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time due to COVID-19 Pandemic, 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. 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,
 - 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 Govt./State Govt./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**

Chandrakant