

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5974 of 2021

1. Jayram Sharma S/o Bharat Sharma, Aged About 37 Years, Occupation Service, Sub Engineer, Janpad Panchayat, Nawagarh, Tahsil And Police Station Nawagarh, District Bemetara (C.G.) Permanent Address Nokha, Police Station Nokha, Tahsil Nokha, District Sasaram (Bihar).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Nawagarh, District Bemetara (C.G.).

---- Non-Applicant

For Applicant	: Mr. Gaurav Singhal, Advocate appears on behalf of Mr. Goutam Khetrapal, Advocate.
For Non-Applicant/State	: Dr. (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

08/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 29/06/2021 in connection with Crime No. 239/2021 registered at Police Station Nawagarh, District Bemetara (C.G.) for the offence punishable under Section 306, 498-A, 304(B) of Indian Penal Code.
- 2) Allegation against the present applicant is that he used to harass his wife/deceased Shalini Sharma mentally and physically in connection with demand of dowry. Being fed up with these continuous ill treatment, she committed suicide on 27/06/2021 at around 05:15 PM at her matrimonial house by hanging. On report being lodged to the above effect, the aforesaid offence has been registered against the present applicant.
- 3) Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question. It is submitted that marriage of the deceased with the applicant was solemnized on 02/03/2014 and they were living peacefully for the last more than 07 years and have 2 children out of their wedlock. No complaint or report was made by the deceased or her family members during this period against the applicant, He submits that the applicant is in jail since 29/06/2021, charge sheet has already been filed, there is no apprehension of the applicant tampering with the evidence or absconding and conclusion of trial is likely to take some time for its disposal due to COVID-19 Pandemic. Therefore, the applicant be released on bail on ground of parity.

- 4) On the other hand, learned counsel for the State opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the fact that admittedly the marriage of the deceased with the applicant was solemnized on 02/03/2014 and committed suicide on 27/06/2021 i.e. after about 07 years and 3 months of her marriage, there was no dispute regarding demand of dowry till 2019, though some amount was transferred in the year 2018 and 2019 in the account of the deceased but nothing is there to show that any amount was given to the applicant from the said amount, no specific allegation regarding cruelty by the applicant is there, postmortem report of the deceased also does not reveal any bodily injury on her person, the detention period of the applicant who is 37 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