

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 5702 of 2021

1. Kailash Yadav S/o. Shri Shobharam Yadav, aged about 26 years,
 2. Shobharam Yadav S/o. Shri Dhaniram Yadav, aged about 54 years
- Both are by Caste Mahakul, R/o. Village – Mudapara, Thana- Patthalgaon,
District – Jashpur (C.G.)

---- Applicants

Versus

- The State of Chhattisgarh, Through the Station House Officer, Police Station- Patthalgaon, District- Jashpur (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Sunil Sahu, Advocate
For Non-Applicant/State	:	Shri Chitendra Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

25.08.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 10.07.2021 in connection with Crime No. 08/2021 registered in Police Station- Patthalgaon, District Jashpur (CG), for the offence punishable under Section 306 of IPC.
2. As per prosecution case, the merge was given by applicant No.1 Kailash Yadav on 15.12.2019 regarding the death of his wife Savitri Yadav due to eating of poisoning substance. Merge inquiry conducted by the police of Police Station Patthalgaon, District Jashpur and on the basis said inquiry, the statements of the witnesses have been recorded and they have stated that the applicants have abetted the deceased to commit suicide. The police after about 1 year and two months of the incident registered the F.I.R. on 07.01.2021 against the present applicants and arrested them on 10.07.2021 in the alleged commission of offence.
3. Learned counsel for the applicants submits that the applicants have been

falsely implicated in the crime in question, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, they are in jail since 10.07.2021, charge has already been filed 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.

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 the marriage of applicant No.1 and the deceased was solemnized in the year 2017, due to some dispute regarding children, the husband slapped her wife (deceased) and thereafter the deceased committed suicide by consuming poisonous substance on 15.12.2019, further that prior to the incident, the deceased has not made any complaint to any person against the present applicants that they abetted her to commit suicide or she was being subjected to cruelty and harassment by them, the detention period of the applicants who are 26 & 54 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 each of the applicants 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, they shall be released on bail, on following conditions :-
 - i. they 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. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. they shall appear before the trial Court on each and every date

given to them by the said Court till disposal of the trial.

- iv. they shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- v. they shall not involve themselves 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 applicants involving themselves in similar nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

vatti