

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5850 of 2021

1. Suraj Yadav S/o Mohan Yadav, Aged About 40 Years, R/o Village Bhuneshwarpur, Gram Panchayat Bhuneshwarpur, P.S. Shankargarh, District Balrampur-Ramanujganj (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Shankargarh, District Balrampur-Ramanujganj (C.G.).

---- Non-Applicant

For Applicant	: Mr. Akath Kumar Yadav, Advocate.
For Non-Applicant/State	: Mr. Shrestha Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

02/09/2021

- 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 23/06/2021 in connection with Crime No. 81/2021 registered at Police Station Shankargarh, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 306 read with Section 34 of Indian Penal Code.
- 3) As per prosecution case, marriage of the deceased with co-accused Mandev Yadav solemnized in 2010 and out of their wedlock one girl Vidaysawati was born. It is alleged that due to deceased not begetting male child, the present applicant who is brother-in-law (Jeth) of the deceased alongwith her husband and mother-in-law Tilkhi Bai Yadav used to taunt her and also demanded motorcycle in dowry. Having been fed up with all these persistent ill treatment, she committed suicide by jumping into a well. On report being lodged to the above effect, the

aforesaid offence has been registered against the accused person.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the co-accused Tilkhi Bai Yadav has already been granted bail by the Trial Court. He submits that the applicant is in jail since 23/06/2021, 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.
- 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, in particular the fact that the present applicant was living separately at village Bhuneshwarpur whereas the deceased with her family was living at village Kharkona, both of them having separate Ration Card and Voter I.D. bearing their different addresses the distance between both the places around 5-6 Kms, the nature of allegation made against the present applicant, the inordinate delay in lodging the FIR, the co-accused Tilkhi Bai Yadav has already been granted bail by the Trial Court considering her age i.e. 60 years, the detention period of the applicant who is 40 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