

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6109 of 2021

1. Parasnath Yadav S/o Chuneswar Yadav, Aged About 23 Years, Caste Ahir, R/o Village Baladarpur, Police Station Sanna, District Jashpur (C.G.).

---- Applicant

Versus

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

---- Non-Applicant

For Applicant	:	Mr. Jitendra Kumar Saxena, Advocate.
For Non-Applicant/State	:	Mr. C.B. Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

14/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in custody since 22/02/2021 in connection with Crime No. 14/2021, registered at Police Station Sanna, District Jashpur (C.G.) for the offence punishable under Sections 304(B), 306, 498-A, 34 of Indian Penal Code.
- 2) Allegation against the present applicant is that he used to harass his wife/deceased Soniya Yadav mentally and physically in connection with demand of dowry. Being fed up with these continuous ill treatment, she committed suicide on 07/02/2021 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 is an innocent person and has been falsely implicated in this case. He submits that co-accused Chuneswar Yadav and Kamli

Yadav, parents of the applicant, have already been released on bail by the Co-ordinate Bench of this Court passed in MCRC No. 2629/2021 vide order dated 06/07/2021. He submits that the applicant is in jail since 22/02/2021, charge sheet has already been filed, there is no apprehension of his tampering with the prosecution evidence or influencing the witnesses and conclusion of the trial is likely to take some time due to COVID-19 Pandemic. Therefore, the present applicant be released on bail on ground of parity.

- 4) On the other hand, learned counsel for the State opposes the bail application.
- 5) I have heard the learned counsel appearing for the parties.
- 6) Considering the facts and circumstances of the case, the fact that as per statements of parents of the deceased and other witnesses the applicant used to beat the deceased frequently, harass and torture her mentally as well as physically in connection with demand of dowry, the other material available in the case dairy, the case of the applicant being distinguishable on facts from that of the co-accused who have been granted bail by the Co-ordinate Bench of this Court, without commenting anything on merits of the case, this Court is not inclined to release the applicant on bail. Accordingly, the application is **rejected**.

-Sd/-
(Gautam Chourdiya)
Judge