

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6274 of 2021

1. Jyoti Rajak D/o Chhatram Rajak, Aged About 23 Years, Caste Dhobi, R/o Patharibhantha, Chhuri, Police Station Katghora, Tahsil Katghora, District Korba (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through Station House Office, Police Station Katghora, District Korba (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Aditya Khare, Advocate.
For Non-Applicant/State	:	Mr. Priyanshu Gupta, P.L.

MCRC No. 6403 of 2021

1. Pradeep Kumar Prajapati @ Bambam S/o Ramanuj Kumhar, Aged About 28 Years, R/o Binjhwar Para Chhuri Ward No.-1 Tahsil Katghora, Police Station Katghora, District Korba (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through S.H.O. Police Station, Katghora, District Korba (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Vivek Sharma, Advocate.
For Non-Applicant/State	:	Mr. Priyanshu Gupta, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order On Board

29/09/2021

- 1) Heard.
- 2) Since both these applications arise out of the same crime number, they are being disposed of by this common order.
- 3) These are the **First Bail Applications** filed under Section 439 of

Code of Criminal Procedure, 1973 for grant of bail, as they are in jail since 03/06/2021 in connection with Crime No. 116/2021, registered at Police Station Katghora, District Korba (C.G.) for the offence under Section 306/34 of Indian Penal Code.

- 4) As per the prosecution case, marriage of the applicant Pradeep Kumar Prajapati @ Bambam was solemnized with deceased Menka Prajapati on 09/12/2020. It is alleged that the applicant Pradeep Kumar Prajapati @ Bambam was having affair with applicant Jyoti Rajak prior to his marriage and the deceased came to know about the said illicit relations after one month of her marriage. It is further case of the prosecution is that applicant Jyoti Rajak used to abuse the deceased filthily over phone and pressurize her for leaving her husband. Applicant Pradeep Kumar Prajapati @ Bambam also used to mentally and physically torture the deceased and that their marriage was never consummated. Hence, being fed up with this ill treatment of applicant Pradeep Kumar Prajapati @ Bambam and the act of the applicant Jyoti Rajak, she committed suicide by hanging at her matrimonial house. On report being lodged to the above effect, the aforesaid offence has been registered against them.
- 5) Learned Counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case. He submits that the ingredients necessary for attracting the offence under Section 306 of Indian Penal Code are missing in this case. He submits that there is no apprehension of the applicants tampering with the evidence or absconding. He further submits that applicants are in jail since 03/06/2021 respectively, charge sheet has been filed and conclusion of trial is likely to take some time. Therefore, the applicants deserve to be released on bail.
- 6) On the other hand, learned counsel for the State opposes the bail applications.
- 7) I have heard learned Counsel for the parties.

8) Considering the facts and circumstances of the case, the nature of allegations against the applicants, the fact that the deceased committed suicide due to illicit relation of her husband/applicant Pradeep Kumar Prajapati @ Bambam with applicant Jyoti Rajak, no external injurious was found on the body of the deceased as per postmortem report, the detention period of the applicants who are 23 and 28 years old respectively, charge sheet has already been filed, the fact that there is no apprehension of the applicants tampering with the evidence or absconding as admitted by counsel for the parties and conclusion of trial may take some time for its disposal, the applications are **allowed**. It is directed that in the event of **each** of the applicants executing a personal **bond** for a sum of **Rs. 2,00,000/-** with two sureties of Rs. 1,00,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on the 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 from disclosing such fact to the Court,
- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial,
- iii. they shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
- iv. they shall not involve themselves 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 applicants involving themselves in similar offence in future.

-Sd/-
(Gautam Chourdiya)
Judge