

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6715 of 2021

Raja Mallah S/o Santosh Mallah, Aged About 22 Years, R/o Ward No. 09,
 Police Station -Gandai, Tahsil -Chhuikhadan, District -Rajnandgaon
 Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station
 -Gandai, District Rajnandgaon, Chhattisgarh.

--- Respondent

For Applicant	: Mr. Abhishek Sharma, Advocate.
For State	: Mr. B.P. Banjare, Dy GA.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

15/09/2021

Heard.

1. First & Second bail applications of applicant were dismissed as not pressed on 17.12.2020 & 18.02.2021, whereas third bail was dismissed as withdrawn with liberty to revive the same at appropriate stage on 10.08.2021. None of the bail application was decided on merits.
2. This is Fourth Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.140/2020, registered at Police Station -Gandai, Distt -Rajnandgaon, (C.G.), for commission of offence punishable under Sections 304-B, 34 of the Indian Penal Code.
3. Case of the prosecution in brief is that deceased Asha Bai got married with applicant on 09.03.2019. After marriage, she lived happily with her in-laws for sometime and thereafter, her husband, father-in-law, mother-in-law and kaki saas (Aunt-in-law) were harassing for demand of Motorcycle. Deceased on her visit to her parental house during the festive season, stated the fact of demand of Motorcycle by her in-laws. On 17.05.2020 at about 3 pm, deceased Asha Bai consumed poison.

She was taken to the District Hospital, from where she has been referred to higher hospital for better treatment. She was admitted to Balaji Hospital at Raipur on 18.05.2020, where during the course of treatment, she died on 20.05.2020. After merging enquiry, Police registered the crime against applicant and his family members.

4. Learned counsel for the applicant submits that allegation levelled against applicant is absolutely false and frivolous. Deceased was not ill-treated and harassed on account of demand of money either by applicant or his family members. Other co-accused persons father-in-law, mother-in-law and sister-in-law have been enlarged on regular bail by this Court vide order dated 17.12.20. Parents of deceased examined before the Trial Court have not supported the case of prosecution. Applicant is in jail since 03.09.2020, conclusion of trial may take some time. Hence, applicant may be enlarged on bail.
5. Learned State Counsel opposes the submissions made by learned counsel for the applicant and submits that in FIR as well as statement of parents of deceased serious allegations have been levelled against applicant. Hence, he is not entitled for grant of regular bail.
6. Heard learned counsel for the parties.
7. Considering the entire facts and circumstances of the case, nature of allegation, period of pre-trial detention since 03.09.2020, other co-accused persons have been granted bail, without commenting anything on merits of the case, I am inclined to allow this bail application.
8. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing a bail bond in sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the Court on the conditions that-

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not, in any manner, tamper with the prosecution witnesses.
- c) If he is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-