

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6959 of 2021

1. Prashant Yadu @ Prashant Chandra Yadu, S/o Late Krishna Kumar Yadu, Aged About 34 Years, R/o Sarswati Chowk, Police Station Purani Basti Raipur, District Raipur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Purani Basti, District Raipur (C.G.).

---- Non-Applicant

For Applicant	: Mr. Shivendu Pandya, Advocate.
For Non-Applicant/State	: Mr. Chitendra Singh, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

22/11/2021

- 1) This is the **Second Bail Application** filed by the applicant under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. First Bail Application i.e. MCRC No. 5065/2021 was dismissed as withdrawn vide order dated 02/08/2021.
- 2) The applicant is in jail since 24/06/2021 in connection with Crime No. 150/2021 registered at Police Station Purani Basti, District Raipur (C.G.) for the offence under Section 306 of Indian Penal Code.
- 3) Allegation against the present applicant is that the applicant was ill treating his wife/deceased Bhumika Yadu, and assaulting her after consuming liquor. Being fed up with this ill treatment, she jumped from Terrace on 11/12/2019 and died on 14/12/2019 during the course of treatment in the Hospital. On report being lodged to the above effect, the aforesaid offence has been registered against the applicant.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that there is inordinate delay in lodging the FIR. The ingredients necessary for attracting the offence under Section 306 of Indian Penal Code are extremely missing in this case. He submits that the applicant has one child aged about 3 ½ years, there is no one to take care of the child. He further submits that charge sheet has already been filed, applicant is in jail since 24/06/2021, there is no apprehension of the applicant tampering with the evidence or absconding and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail.
- 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, the detention period of the applicant who is 34 years old, the fact that there is one minor child of 3 ½ years of the applicant, there is no one to take care of that child, charge sheet has already been filed, 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, 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