

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7577 of 2021

- Amol Toppo, S/o Late Ereniyus Toppo, Aged About 27 Years, R/o Sanjivni Cancer Hospital Campus, Davda Colony, Pachpedinaka, Raipur, Chhattisgarh, Permanent R/o Village Badoop Nagar, District Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P. S. Khamardhi, District Raipur, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Mr. Devershi Thakur, Advocate
Mr. Shrikant Kaushik, PL

Hon'ble Justice Shri Parth Prateem Sahu

Order On Board

01/12/2021

1. The applicant has filed this first bail application under Section 439 of CrPC for grant of regular bail, as he has been arrested in connection with Crime No.134/2021, registered at Police Station Khamardih, District Raipur (C.G.) for the offence punishable under Section 306 of IPC.
2. Case of prosecution is that applicant and deceased prosecuted pharmacy course from same college and they were in friendly relationship and thereafter fell in love with each other. Due to diversion of applicant towards another girl, applicant stopped interacting and meeting with deceased, due to which she went into depression. In intervening night of 17.07.2020 and 18.07.2020 after

taking dinner with her sister and Anupama Singh, who were her room mates in the rented accommodation, deceased hanged herself by means of dupatta and committed suicide. Merg was reported to concerned police station and after merg enquiry, aforementioned crime was registered against applicant.

3. Mr. Thakur, learned counsel for the applicant, would submit that allegation, as appeared in the charge sheet, is only that applicant was in friendly relationship with deceased at some point of time and thereafter applicant developed love relationship with deceased. He would further submit that there is no allegation of abetment or instigation against applicant, hence no offence as alleged would be made out against applicant. Deceased was also working with private hospital at Raipur. As per allegation, applicant fell in love with some other girl. The applicant is in jail since 08.08.2021, therefore, he may be enlarged on regular bail.
4. Mr. Kaushik, learned State counsel, would oppose the submission of learned counsel for the applicant and would submit that Police after investigation recovered suicide note as well as video clip, which was recorded by deceased herself before incident, wherein she has levelled serious allegation that applicant has developed relation with deceased by all means and thereafter left her, which compelled her to take step of committing suicide, hence applicant cannot be enlarged on bail. Learned State counsel has read over the transcript of video recording, suicide note as well as statement of Anupama Singh, Padma Ratnakar and Nafis Ahmed in support of his contentions.
5. I have heard learned counsel for the parties.

6. Taking into consideration the facts and circumstances of the case, nature of allegation, period of detention of applicant, without commenting anything on the merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon his furnishing a personal bail bond for a sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the Trial Court on the conditions that:-
- (a) The applicant shall appear before the Trial Court regularly on each and every date unless exempted from appearance.
 - (b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
 - (c) If the applicant 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

Nirala