

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.7455 of 2021**

- Domeswar Prasad Verma, S/o Lakhan Lal Verma, aged about 29 years, R/o Village Jaraud, Police Station Bhatapara Gramin, District Baloda Bazar Bhatapara (CG)

---- Applicant (In Jail)**Versus**

- State of Chhattisgarh, through Station House Officer, Police Station Bhatapara (Gramin), District Baloda Bazar-Bhatapara (CG)

....Non-applicant

For Applicant	:	Mr. Prakash Kumar Mishra, Advocate.
For Non-applicant	:	Mr. Vaibhav Singh, Panel Lawyer.

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****15.12.2021**

1. This is first application under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail to applicant as he is in custody since 13.7.2021 in connection with Crime No.262/2021 registered at Police Station Bhatapara (Gramin), District Balodabazar Bhatapara (CG) for commission of offence punishable under Section 306 of the Indian Penal Code.
2. Case of prosecution is that on 29.3.2021 one Roshan Verma reported merg to concerned police station that Sarita Verma committed suicide by hanging herself in her matrimonial home. Based on merg report, FIR was registered on 12.7.2021 against applicant for commission of aforementioned crime and he was arrested on 13.7.2021.
3. Mr. Prakash Kumar Tiwari, learned counsel for applicant would submit that marriage of applicant and deceased was solemnized five years ago from the date of incident. After marriage, there was no dispute of any nature between them and they were living happily. Even on 28.3.2021 i.e. day of Holi festival, in the evening deceased talked to her mother on phone but did not complain anything, on the contrary she

stated that she is living happily. Statement of mother of deceased recorded by police is available on record. FIR was registered on 12.7.2021 with inordinate delay i.e. after about 3½ months from the date of incident, based on subsequent statements recorded on 13.7.2021. Allegations levelled by relatives of deceased in their statement recorded on 13.7.2021 are afterthought only to falsely implicate applicant. Applicant is in jail since 13.7.2021, hence he may be enlarged on regular bail.

4. Per contra, Mr. Vaibhav Singh, learned Panel Lawyer for State opposes submissions of learned counsel for applicant and submits that specific allegations have been levelled against applicant by parents of deceased that applicant was not keeping deceased properly. Applicant was having extramarital affair with some other girl; he used to show her photograph to deceased and ask her to take divorce. These are the circumstances which compelled deceased to take extreme step of committing suicide. Hence, there is *prima facie* material available in case diary against applicant. However, on being asked in respect of submission of learned counsel for applicant that just prior to incident deceased made phone call to her mother Pushpa Verma, he submits that police recorded two statements of Pushpa Verma, first on 30.5.2021 and second on 13.7.2021. In the statement recorded on 30.5.2021, no allegation was levelled against applicant. The entire allegations are levelled by mother and other relatives of deceased in their statement recorded on 13.7.2021.
5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of case, nature of allegations, particularly statement of Pushpa Verma, mother of deceased, recorded on 30.5.2021 by police during course of merg enquiry wherein she has not made any allegation against applicant, without commenting anything on merits of case, I am inclined to enlarge applicant on regular bail. Accordingly, application is allowed and it is directed that

applicant shall be released on regular bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to satisfaction of trial Court concerned on the conditions that;

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

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-