

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.7456 of 2021**

- Bhanupratap Verma, S/o Komal Verma, aged about 31 years, R/o Village Patewa, Police Station & Tahsil Ghumka, District Rajnandgaon (CG)

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

- State of Chhattisgarh, through the Station House Officer, Police Station Ghumka, District Rajnandgaon (CG)

....Non-applicant

For Applicant	:	Mr. Shivendu Pandya, 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 26.8.2021 in connection with Crime No.178/21 registered at Police Station Ghumka, District Rajnandgaon (CG) for commission of offence punishable under Sections 306/498A of the Indian Penal Code.
2. Case of prosecution is that applicant got married with Kamini Bai Verma in the year 2014. After marriage, she was residing in her matrimonial home. From the marriage, they were blessed with two child i.e. a boy and a girl aged about 5½ years & 2½ years respectively. Prior to date of incident, there was partition between applicant and his younger brother Ramesh Kumar. Parents of applicant were residing with his younger brother. On the date of incident, co-sister of deceased was sitting in front of her house, upon seeing smoke coming out from house of deceased, she called her husband and also tried to open door of room of deceased. As door was bolted from inside, it was broke open and deceased was found lying on cot with burn injuries. Merg was reported in concerned police station based upon which police investigated into matter, recorded statements of father, mother, co-sister and other relatives of

deceased. Based on statement of witnesses, applicant was arrested on 26.8.2021 in connection with aforementioned crime.

3. Mr. Shivendu Pandya, learned counsel for applicant would submit that allegations levelled by parents of deceased against applicant is that applicant is habitual drunkard, he used to quarrel with deceased under intoxication. He submits that allegation that applicant was regularly quarrelling with deceased is not correct. There used to be some quarrel between applicant and deceased on trivial issues relating to household works, but not on account of any demand etc. In the entire material collected by prosecution there is nothing to show that just prior to date and time of incident, there was any quarrel between applicant and deceased. Hence, there was no instigation or abetment to deceased to commit suicide. Applicant is in jail since 26.8.2021, 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 allegation of quarrel and assaults upon deceased are levelled by all witnesses in their statement recorded under Section 161 CrPC. Even relatives of applicant including wife of applicant's younger brother, stated that on several occasions applicant quarrelled with deceased. However, on being asked whether any witness has stated that soon before occurrence or on a prior date, there was quarrel between applicant and deceased, learned State Counsel submits that in the statement of witnesses recorded under Section 161 CrPC there is no such allegation, but there are allegations that applicant regularly used to quarrel with deceased under intoxication.
5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of case, nature of allegations; manner in which incident took place, the fact that there is no allegation that just prior to date

and time of incident any quarrel took place between applicant and deceased, 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.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-