

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7534 of 2021

- Umesh Sahis, S/o Jal Prasad Sahis, Aged About 19 Years, R/o Kolaibahal, Jamgaon, Police Station Chakradhar Nagar, Raigarh, District Raigarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Chakradhar Nagar, District Raigarh, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Mr. Ashish Gupta, Advocate
Mr. Shrikant Kaushik, PL

Hon'ble Justice Shri Parth Prateem Sahu

Order On Board

30/11/2021

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.428/2021, registered at Police Station Chakradhar Nagar, Raigarh, District Raigarh (C.G.) for the offence punishable under Section 306 of IPC.
2. Case of prosecution is that on 22.07.2021, when the applicant returned back to his house, he found Muskan hanging by means of dupatta, then he called his relatives and thereafter she was taken to hospital at Raigarh. Upon examination, doctor declared her dead. The merg was reported on 23.07.2021 by the hospital, based upon which the aforementioned crime was registered. During the course of enquiry, Police recorded statement of the mother of the deceased

namely Sarwasa Janguliya and sister of the deceased namely Shipra Janguliya. Based on their statement, the applicant was arrested in the aforementioned crime.

3. Mr. Gupta, learned counsel for the applicant, would submit that the applicant and the deceased were in love relationship. The deceased eloped with the applicant and started living with him. Parents of the deceased came to house of the applicant and took her back. The applicant along with his parents went to the house of the deceased and brought her back where she resided for about 8-10 days prior to the date of incident. Deceased took the steps of commission of suicide only on account of harassment and pressure given by her parents, as she made relationship with the applicant due to her love affair with him. The allegation of quarrel and assault by the applicant to deceased is an afterthought only to falsely implicate the applicant. Applicant is in jail since 23.07.2021, hence 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 the deceased accompanied with the applicant because she was in love affair with him. When parents of the deceased received information that the applicant used to assault their daughter, they went to the house of the applicant and brought her back. Immediately after few days, applicant came to the house of deceased along with his parents and again brought her back. The act of assault by the applicant upon the deceased continued which was the cause of taking step of committing suicide. The State counsel read over statement of the mother, father, sister and uncle of the deceased in support of his contention.

5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegation, the material collected by the Police and the fact that when deceased was brought back by her parents to her house, the applicant went along with his family members to the house of the deceased, she again accompanied the applicant and started living with him, parents of deceased not raised any objection, applicant is in jail since 23.07.2021, 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