

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through Video Conferencing****Misc. Criminal Case (A) No.1700 of 2020**

- Sadwal Morla son of Lakshma Morla, aged about 38 years, R/o Ambedkar Para Toynar, Police Station-Toynar, District-Bijapur (C.G.).

---- Applicant

Versus

- State Of Chhattisgarh Through the Station House Officer Police Station-Toynar, District-Bijapur (C.G.).

---- Non-Applicant

For Applicant : Shri Goutam Khetrapal, Advocate
 For State/Non-Applicant : Shri Sidharth Dubey Dy. G.A.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****10.5.2021**

1. The applicant has preferred this bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.17/2020, registered at Police Station Toynar Distt. Bijapur (CG) for the offence punishable under Sections 302 of the Indian Penal Code.

2. As per the case of the prosecution story the applicant committed "Mar Peet" with his wife Saraswati (deceased) continuously for 5-6 days as a result of which her head, stomach, hand, leg amblic and private parts were bleeding, she was admitted to Bijapur Hospital from where she was referred to Jagdalpur Hospital. On 16.10.2020, she died. On 16.10.2020 Bikshapati Page, father of the deceased lodged a written report in

Police Station Toynar on the basis of which Crime No.17/2020 was registered for offence punishable under Section 302 of I.P.C.

3. Counsel for the applicant submitted that the applicant is innocent and falsely implicated in the crime. He submits that as per post-mortem report the death of the deceased is natural and no external injury was found on her body. Therefore, the applicant may be granted anticipatory bail.

4. On the contrary, learned State counsel opposes the application for grant of anticipatory bail. He submitted that the applicant used to assault deceased. However, he does not dispute that the death of the deceased was natural and no external injury was found on her body.

5. Considering the facts and circumstances particularly as per the submission of the state counsel that the death was natural, no external injury was found on the body of the deceased, I am inclined to grant anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned investigating officer. The applicant shall also abide by the following conditions:-

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;

- (ii) that 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/her from disclosing such facts to the Court or any police officer.
- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial;
- (v) that in case of change of address he will inform new address to investigating agency.

Certified copy as per rules.

Sd/-

(Shri N.K. Chandravanshi)

VACATION JUDGE