

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 9086 of 2020**

- Kanhaiyalal Tomar, S/o Kundru Tomar, Aged about 24 years, R/o Village-Dhaurabhata, Thana – Saliha, Distt. Baloda Bazar – Bhatapara (C.G.)
(In jail)

---- Applicant**Versus**

- State Of Chhattisgarh Through the police station House officer – Saliha, Distt. Baloda Bazar-Bhatapara (C.G.)

---- Respondent

For Applicant	: Shri Deepak Jain, Advocate.
For Respondent/State	: Shri Dinesh RK Tiwari, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya**Order on Board****14/01/2021**

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in custody since 6.11.2020 in connection with Crime No. 40/2020 registered at Police Station Saliha, Distt. Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 306 of the Indian Penal Code.
- 2) The prosecution story in brief is that marriage of present applicant was solemnized with the deceased in the year 2018 and immediately after the marriage the present applicant started harassing her and treated with cruelty in connection with some domestic dispute between them and out of humiliation and frustration, she has committed suicide by consuming poisonous substance and thereby committed the aforesaid offence.
- 3) Learned counsel appearing for the applicant would submit that applicant has been falsely implicated in the crime in question as there is no evidence on record to connect the applicant with the offence. He submits that the applicant has been arrested on 6.11.2020 and the trial is likely to take time for its disposal and no useful purpose would be served in further detaining him in jail. Therefore, the applicant may be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and looking to allegation made against the applicant that he did not agree to continue the study of the deceased after the marriage of applicant with the deceased; and the dispute arose between them on account of some domestic dispute; further considering the fact that as per postmortem report, there is no external injuries were found on the body of the deceased and that the applicant is in custody since 6.11.2020 and that disposal of the trial is likely to take some time, without commenting on merits of the case; the bail application is allowed. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on the following conditions :-

- (i) 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) He shall not involve himself in any offence of similar nature in future.

Certified copy as per rules.

Sd/-
(Gautam Chourdiya)
Judge

D/-