

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 434 of 2021

- Kunwar Giri S/o Jagdish Giri Aged About 26 Years Occupation - Farmer, Caste Giri, R/o Banshipur Village, Thana And Tehsil Sitapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Sitapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant	:	Ms. Saumya Sharma, Advocate
For Non-Applicant/State	:	Shri Dinesh Tiwari, Dy. G.A.

Hon'ble Shri Justice Gautam Chourdiya
Order On Board

09/03/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 27.10.2020 in connection with Crime No.171/2020, registered at Police Station- Sitapur, District Surguja(C.G.) for the offence punishable under Section 306 of the IPC.
2. Case of the prosecution is that the deceased who was wife of the present applicant has committed suicide by strangulating herself on 20.10.2020 on account of cruelty and torture by the applicant for not having child even after 4 years of the marriage. Based on this, an offence has been registered against the applicant and he was arrested.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated and he has been falsely implicated in the case. She submits that the applicant was

married in the year 2017 and thereafter, the applicant and his wife were living happily and during this period she has never reported the matter to police, but on account of a small quarrel in the family, she committed suicide and the applicant has not instigated her. She further submits that charge sheet has been filed and trial is likely to take some time for its conclusion, therefore, at this stage, the applicant may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail.
5. Having considered the submission made by learned counsel for the parties, the nature of allegations against the applicant and no injury was found on the body of the deceased; no criminal antecedent is reported against the applicant and his detention period; charge sheet has been filed and conclusion of trial is likely to take some time, without further commenting on merits, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is allowed.
7. 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 following conditions:-
 - (a) 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.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (d) he shall not involve himself in any offence of similar nature in future.

Sd/
(Gautam Chourdiya)
Judge