

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8250 of 2021**

Manoj Patel S/o Shri Bhuwansingh Patel, Aged About 29 Years, Occupation- Driver/Labour, R/o Village Bargari, Post Devinawagaon, Police Station Akladongri, Tahsil and District-Dhamtari, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through- District Magistrate, Dhamtari, District- Dhamtari, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Abhishek Sharma, Advocate

For Non-applicant/State : Shri Vimlesh Bajpai, Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****09.12.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 10.08.2021 in connection with Crime No.2 of 2021 registered at Police Station Akladongri, District Dhamtari (C.G.) for commission of offence punishable under Section 306, 34 of Indian Penal Code.
2. Case of prosecution, in brief, is that applicant got married with deceased Kanti Patel in the year 2018. They performed love marriage in Arya Samaj and thereafter, in social meeting, their marriage was accepted by both the communities. Prior to one year of incident, deceased came back to her parent house and started living there. After meeting of Village Panchayat, deceased again went back to her matrimonial house and there, she resided for considerable period along with applicant and his family members. On 17.07.2021 in the morning, she was found hanging

in Almond tree in Kitchen Garden (*Badi*) of applicant. Inquiry was conducted and thereafter, First Information Report was registered against applicant and two other co-accused persons for the aforementioned offences.

3. Shri Abhishek Sharma, learned counsel for the applicant would submit that after marriage, deceased could not able to adjust herself, due to which, there was some trivial disputes between her and family members of applicant. She used to suspect that applicant is not taking proper care of her and for that also, there was quarrel between applicant and deceased. He submits that in the statement of relatives of deceased, it has come that applicant is having love affair with some other girl, but that is based on suspicion only. Allegation as appearing from material available in the charge-sheet would show that there are omnibus allegations against all accused persons. Applicant is in jail since 10.08.2021 and trial may take some time to conclude, hence, applicant may be enlarged on regular bail.
4. Per contra, Shri Vimlesh Bajpai, Govt. Advocate for the State opposing the submissions made by learned counsel for the applicant, would submit that after marriage, applicant developed relationship having love affair with some other girl as appearing from statement of Jiteshwari Bai and Vindheshwari Yadav. He also referred to the statement of Jiteshwari Bai and submitted that just prior to the incident, Jiteshwari Bai met with deceased when deceased narrated the fact that she is facing great difficulty in residing in her matrimonial house. He also referred to evidence of Rekha Vishwakarma and Jitendra Sinha in support of his contention. He submits that one suicidal note is recovered during

the course of investigation, wherein it is mentioned that applicant and other family members have killed her and further read the contents of suicidal note to argue that applicant was not taking proper care of deceased.

5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, the fact that suicidal note as read out by the learned counsel for the State, it is mentioned that the applicant is not taking proper care of her and therefore, she is finding difficult to continue with the company of applicant, without commenting on the merits of the case, I am inclined to release the applicant on regular bail.
7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;

a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.

b) He shall not, in any manner, tamper with the prosecution witnesses.

c) If the 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