

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8922 of 2020

- Vishwanath S/o Baldev Aged About 50 Years Caste Kodaku, R/o Village Darhora, P. S. Chandoura, District Surajpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P. S. Chandoura, District Surajpur Chhattisgarh.

---- Respondent

For Applicant : Shri Pushpendra Kumar Patel, Advocate
For Respondent/State : Shri Dinesh Tiwari, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

08.01.2021

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 13.09.2020 in connection with Crime No. 72/2020, at Police Station-Chandoura, District- Surajpur (C.G.) for the offence punishable under Section 306 of I.P.C.
2. Case of the prosecution in brief is that on deceased/wife of the present applicant namely Budhni Bai committed suicide by hanging herself by towel (*gamcha*) at her room for the reason that her husband had kept another woman namely Phoolbasiya as his wife prior to three years of the incident.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated, he is falsely implicated in the case. He submits that the applicant never harassed and torture the deceased, he is in jail since 13.09.2020 and that the applicant/accused has no criminal antecedents and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.
4. On the other hand, learned State Counsel opposes prayer for grant of

bail. He further submits that the applicant has no criminal antecedents.

5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation and the fact that deceased Budhiya Bai committed suicide three years after her husband kept another woman as his wife, detention period of the applicant and the fact that the applicant has no criminal antecedents as admitted by both the counsel and conclusion of the trial is likely to take some time, the 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:-

(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**

Nadim