

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8859 of 2020

1. Bharat Sahu S/o Anuj Ram, Aged About 35 Years, R/o Kharoda Khurd, Police Station Pipariaya, District Kabirdham (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through District Magistrate, Kawardha, District Kabirdham (C.G.).

---- Non-Applicant

For Applicant	: Mr. Dharmesh Srivastava, Advocate.
For Non-Applicant/State	: Mr. Dinesh R.K. Tiwari, Dy. Govt. Advocate.
For Objector	: Mr. Manoj Kumar Sinha, Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

10/03/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 24/11/2020 in connection with Crime No. 386/2020 registered at Police Station Pipariaya, District Kabirdham (C.G.) for the offence under Section 306 of IPC.
- 2) Case of the prosecution in brief is that the applicant had quarreled with his wife Purnima Bai and also committed Marpeet with her in drunken condition on 10/10/2020 and thereafter on 11/10/2020 she committed suicide by hanging in her Sugarcane Agricultural field.
- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant is in jail since 24/11/2020, charge sheet has already been filed and trial is likely to take some time for its disposal. He also submits that the applicant has no criminal

antecedent. Therefore, the present applicant be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. He submits that the applicant has no criminal antecedent.
- 5) Mr. Manoj Kumar Sinha, counsel for the complainant/Objector vehemently opposes the contention made by the appellant counsel and raised objection to grant of bail to the applicant.
- 6) Heard learned counsel for the parties.
- 7) Considering the facts and circumstances of the case, the fact that the applicant and the deceased were married for last 14-15 years and during this period there was no complaint against the applicant regarding any cruelty and it was made for the first time after the death of the deceased, no injury was found on the body of the deceased as per the inquest report and postmortem report, looking to the nature of allegation made against the applicant, the detention period of the applicant, the charge sheet has already been filed, and the fact that the applicant has no criminal antecedent and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, and the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Court.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant