

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8957 of 2020

1. Ramcharan Yadav S/o Shri Kalluram Yadav, Aged About 41 Years,
 2. Smt. Jagoutin Bai, W/o Shri Ramcharan Yadav, Aged About 35 Years,
- Both are R/o Village Salhebhatta, Thana Patewa, District Mahasamund (C.G.).

----Applicants

Versus

1. The State Of Chhattisgarh, Through The Station House Officer Police Station Patewa, District Mahasamund (C.G.).

---- Respondent

For Applicants : Shri Sunil Sahu, Advocate.
For Respondent/State : Shri Dinesh R.K. Tiwari, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya
Judgment On Board

11/01/2021

- 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 12/11/2020 in connection with Crime No. 94/2019 registered at Police Station Patewa, District Mahasamund (C.G.) for the offence under Section 306/34 of IPC.
- 2) Allegation against the present applicants are that as the deceased Halendra Dhruv was having affair with the daughter of the applicants, on 22/03/2019 they committed Marpeet with the deceased and on the same day the deceased Halendra Dhruv committed suicide. On report being lodged to the above effect, offence under the aforesaid section has been registered against the applicants.

- 3) Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case. He submits that ingredients necessary for attracting the offence under Section 306 of IPC are missing in this case. He lastly submits that the applicants are in jail since 12/11/2020 and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the fact that incident occurred over the issue of the deceased having affair with the daughter of the applicants, the detention period of the applicants and fact that conclusion of trial is likely to take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the application is **allowed**. It is directed that in the event of **each** of the applicants 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. They 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. They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

- iv. They shall not involve themselves in any offence of similar nature in future.

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

Chandrakant