

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8928 of 2020

- Sanjay Yadav S/o Shri Sarju Yadav Aged About 30 Years R/o Village - Dandkhanduwa, Police Station - Rajpur, District - Balrampur - Ramanujanj Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh, Through - Station House Officer Police Station - Rajpur, District - Balrampur - Ramanujanj Chhattisgarh.

---- Respondent

For Applicant : Shri Nitesh Shrivastava, Advocate
For Respondent/State : Shri Vimlesh Bajpai, 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 27.10.2020 in connection with Crime No.211/2020, at Police Station- Rajpur, District- Balrampur- Ramanujanj (C.G.) for the offence punishable under Section 306 of I.P.C.
2. As per merged intimation lodged by the applicant, his marriage with deceased was solemnized on 2nd May, 2013 and out of their wedlock three children were born. According to the applicant, the deceased consumed poisonous substance i.e. Phorate over trivial household issue and died during treatment.
As per case diary statement, younger brother of the deceased, while, he was returning after dropping the deceased at her in-laws house, he received phone call from deceased that she was being beaten by the applicant and he is strangulating her. When younger brother Manish Yadav went back to her house, he saw scratch mark over her neck and on being inquired from the applicant he told him to take back his sister and demanded Rs.5,00,000/-. On the next day i.e. 08.09.2020, he came to know that the deceased has consumed some poison and died during treatment.

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 due to some hot talk the deceased consumed Phorate and was hospitalized by him at Raipur but during course of treatment she died. He further submits that they have three children and no injury was found on the body of the deceased, 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, no injuries found on the body of the deceased, applicant is father of three children, the 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