NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9057 of 2020

- Mohd. Arif Siddiqui S/o Abdul Majid Aged About 28 Years Occupation Fabrication Welder, R/o Near Nurani Masjid, Popular Gali Mominpura, Ambikapur, Police Station Ambikapur District Surguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ambikapur Kotwali, District Surguja Chhattisgarh **---- Non-applicant**

For Applicant : Mr. Jitendra Kumar Saxena, Advocate.
For State : Ms. Seema Dixit, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

27-01-2021

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he in jail since 12-09-2020 in connection with Crime No. 511 of 2020 registered at Police Station Kotwali, Ambikapur, District Surguja (CG) for the offence punishable under Section 306/34 of IPC.
2. The case of the prosecution, in brief, is that the marriage between applicant and deceased was solemnized on 15-5-2012 and out of their wedlock, three children were born. On 4-9-2020 at about 10.00 pm deceased committed suicide by hanging in her matrimonial house. The merg to this effect was given to the Police Station, Ambikapur on 4-9-2020 on the basis of merg enquiry, offence under Section 306/34 of IPC has been registered against the present applicant and father-in-law of the deceased.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant has not committed any offence. He further submits that there is no evidence to connect the applicant with the crime in question that he abetted the deceased to commit suicide. He would further submit that no specific allegation has been made against the present applicant, charge-sheet has been filed, present applicant is in jail since 12-9-2020 and conclusion of the trial is likely to take some time, therefore he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, particularly considering the fact that no specific allegation has been made against the present applicant and further considering the overall material available on record as well as the detention period of the applicant and the fact that conclusion of the trial is likely to take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.
7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his 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 appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicant is being granted 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 them by the said Court till disposal of the trial.

iv. he shall not involve himself in any offence of similar nature in future.

Sd/-

(Gautam Chourdiya)
Judge

Raju