

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 9006 of 2020

- Sushil Tirkey S/o Dhob Sai, aged about 27 years, R/o Village Murta, P.S. Sitapur, District Sarguja (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, through Station House Officer, Darima, District Sarguja (C.G.)

---- State/Non-applicant

For Applicant : Shri Rakesh Pandey, Advocate

For Non-Applicant/State : Shri Sameer Uraon, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

12.01.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 19.10.2020 in connection with Crime No. 128/2020 registered in Police Station- Darima, District Sarguja (CG) for the offence punishable under Section 306 of IPC.
2. As per prosecution story, on 15.10.2020 informant namely Shravan Kumar Minj who is brother of the deceased had lodged mereg intimation at police station to the effect that he and his family members had taken their dinner but the deceased had not taken her meal, therefore, his father went to the room of the deceased, where he found the deceased hanging by means of cloth. During investigation, it was found that the applicant had promised to marry the deceased prior to 3-4 years of her death. The phone of the deceased was found near the place of incident by which it was revealed that the applicant has sent the message on the phone of the deceased saying that she has a relation with another person and used filthy language. Due to

such harassment done by the applicant, the deceased committed suicide by hanging herself.

3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He further submits that there was no instigation on the part of the applicant which is an essential ingredient to attract offence under Section 306 of IPC. He also submits that the prosecution had failed to prove that due to message sent by the applicant, the deceased committed suicide. He submits that the applicant is in jail since 19.10.2020 and conclusion of the trial is likely to take some time, therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, the fact that prior to 3-4 years of the death of the deceased, the deceased and the applicant were having a friendly relations, the nature of allegation against the applicant, that the applicant is in jail since 19.10.2020 and conclusion of the trial is likely to take some time, without expressing any opinion on merits of the case, the application is allowed.
6. 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 Bench.

Sd/-
(Gautam Chourdiya)
Judge

vatti