

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 192 of 2021

- Rasid Khan, S/o Salahudin Khan, Aged About 36 Years, Residence of Basen, Thana Pasta, District- Balrampur-Ramanujganj, Chhattisgarh. ---- **Applicant**

Versus

- State of Chhattisgarh, Through: Police Station Pasta, District- Balrampur-Ramanujganj, Chhattisgarh. ---- **Non-Applciant**

For Applicant	: Shri A.K. Yadav, Advocate
For Non-Applciant/State	: Shri Anand Verma, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

08.06.2021

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 03.09.2020 in connection with Crime No. 59/2020, at Police Station- Pasta, District- Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 306, 498 A of IPC.
2. As per prosecution case, the present applicant solemnized love marriage with the deceased in the year of 2006. After few years of marriage the present applicant started quarrelling with the deceased for demand of dowry, for this reason the parents of the deceased gave 30,000/- cash to the applicant. In-spite of this, the applicant in the name of vehicle and land, started harrassing the deceased mentally and physically, and due to this continuous ill treatment, on 03.09.2020 at 10.15 a.m. she committed suicide by consuming poison.
3. Learned counsel for the applicant submits that the allegations

against the applicant are false and fabricated. He submits that the marriage was solemnized about 14 years ago and during this period there was no single complaint lodged against the applicant. Charge-sheet has already been filed, due to COVID-19 the trial has not yet commenced and will take sufficient time for its disposal. It is submitted that the applicant has no criminal antecedents and he is in jail since 03.09.2020, therefore, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that the present applicant used to assault the deceased in connection with demand of dowry, as a result of which the deceased committed suicide by consuming poison. However, 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, 14 years of marriage of the applicant and deceased, no injury was found on the body of the deceased as per post-mortem report and also it is not mentioned in inquest report, charge-sheet has already been filed, detention period of the applicant, who is 36 years old, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to COVID-19 situation, conclusion of trial may take some time, therefore, without commenting anything on merits of the case, the application is allowed.
6. 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 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 strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority,

(d) if he involve himself in any offence in future, the Police shall inform about the same to the concerned Court for taking appropriate actions.

Sd/-

**(Gautam Chourdiya)
Judge**

Nadim