

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 8382 of 2021**

Vikas Kumar Patel S/o Rameshwar Prasad, Aged About 27 Years
 Caste Marar, R/o Village Kapubahara (Kauhapara) Thana
 Katghora, District Korba, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate Korba, District Korba, Chhattisgarh through Police Station Kusmunda, District Korba, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Vikas Kumar Pandey, Advocate
For Respondent/State	:	Ms. Sameeksha Gupta, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****20/12/2021**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 30.07.2021 in connection with Crime No. 332/2021 registered at Police Station – Kusmunda, District Korba (CG) for the offence punishable under Section 306 of IPC.

2. The allegation against the present applicant as per the case diary is that the applicant is said to have married the deceased Seeta Patel about one year back from the date of incident. It is alleged that from the time of marriage the applicant is said to have been harassing the deceased mentally as well as physically and also doubting her character. It is the further case of the prosecution that on the previous date of incident i.e. on 10.06.2021 there was a mobile conversation between applicant and deceased wherein there was a heated exchange of words

between them and the applicant is said to have levelled various allegations against the deceased including her character and in the course of heated exchange of words, the applicant had said the deceased to go and die.

3. From the case diary itself it is evidently clear that the deceased had already left the company of applicant sometime ago and was living with her parents at her parental home. The place of incident is also at her parental home. It is also evident from the case diary that except for the telephonic conversation that the applicant had on the previous date there was no such direct physical contact with the deceased for quite sometime.

4. Given the entire factual matrix of the case, this Court is of the prima facie opinion that the necessary ingredients for making out an offence under Section 306 of IPC which is the mendatorily required for abatement to the commission of offence are not reflected. Thus, prima facie, a strong case for grant of bail has been made out.

5. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with two sureties in the like sum to the satisfaction of the concerned trial Court. The applicant is directed to appear before the trial Court on each and every date given to him by the said Court.

Sd/-
(P. Sam Koshy)
JUDGE