

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8500 of 2021

- Purushottam Prajapati S/o Rameshwar Ram Prajapati, Aged about 41 years, Caste Kumhar, R/o Village - Satpataa- Vishrampur, Police Station- Vishrampur, District Surajpur(CG)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bagicha, District Jashpur (CG)

--Non-Applicant

For Applicant	:	Shri Sanjeev Kumar Sahu and Shri Prabhakar Tiwari, Advocates
For Non-Applicant/State	:	Ms. Abhyunati Singh, P.L.

Hon'ble Justice Shri Sanjay S. Agrawal

Order on Board

17.12.2021

1. This is the first bail application filed by the Applicant under Section 439 of the Code of the Criminal Procedure, 1973 for grant of regular bail as he has been arrested on 07.07.2021 in connection with Crime No. 51/2021, registered at Police Station- Bagicha, District Jashpur (CG) for the offence punishable under Section 306 of the IPC.
2. According to the prosecution case, the deceased was living separately from her husband and was living in her parental house and owing to physical and mental cruelty made by her husband/applicant, she has committed suicide while hanging herself in the hook of a ceiling fan. On account of the alleged incident, First Information Report was lodged by the deceased's brother namely- Rajesh Prajapati and during investigation, police arrested the applicant in connection with the aforesaid crime.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in connection with the alleged crime as his wife was living separately from him and has committed suicide in her parental house. It is contended further that for the alleged act of his wife, the applicant cannot be held liable. Further contention of him is that the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the prosecution evidence or absconding and as he is in jail since 07.07.2021 and trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail.
4. On the other hand, learned counsel appearing for the Non-Applicant/State opposes the bail application. She contended further based upon the information that the applicant has no criminal antecedents.
5. I have heard learned counsel for the parties and perused the charge sheet carefully.
6. Having heard learned counsel for the parties, having considered the facts and circumstances of the case and considering the detention period of the applicant and considering further the fact that the applicant has no criminal antecedents and there is no likelihood of him tampering with the evidence or absconding, without commenting anything on merits of the case, the bail application is hereby allowed.
7. It is directed that in the event of the applicant's executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.20,000/- 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/her 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/-
(Sanjay S. Agrawal)
Judge

sunita