

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 9292 of 2020

- Sant Kumar Prajapati, Aged 35 years, S/o Thakur Ram, R/o Village – Ward No. - 7 (Gondpara), Chowki – Karanji, P.S. - Bishrampur, Tahsil & District – Surajpur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : S.H.O., Chowki – Karanji, P.S. Bishrampur, District – Surajpur (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Hemant Gupta, Advocate
For Non-Applicant/State	:	Shri Dinesh Kumar Tiwari, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

08.02.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 09.10.2020 in connection with Crime No. 194/2020 registered in Police Station- Chowki – Karanji, P.S. Bishrampur (CG) for the offence punishable under Section 306 of IPC.
2. Marriage of deceased Sunita and appellant Sant Kumar Prajapati was solemnized prior to 9 years of her death. As per prosecution case, Sunita (deceased) committed suicide on 23.06.2020 by consuming poison in her house. The allegation against the present applicant is that he used to drink liquor and used to quarrel with the deceased, therefore, she committed suicide by consuming poison.
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 also submits that the applicant is in jail since 09.10.2020 and conclusion of the trial is likely to take some time, therefore, he be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.

5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the fact that marriage of the deceased with applicant was solemnized prior to 9 years of her death and she committed suicide on 23.06.2020, no external injury was found on the body of the deceased, only domestic quarrel began between the applicant and the deceased and no specific allegation is there against him, the detention period of the applicant and there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail 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