

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8923 of 2021

- Lilamber Kosariya, S/o Paltan Singh, Aged About 25 Years, R/o Village Bhawrchuwa Madhuban, Police Station Basana, District- Mahasamund, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- The District Magistrate Raigarhand, Through- Station House Officer, Police Station- Sarangarh, District- Raigarh Chhattisgarh. **---- Respondent**

For Applicant	: Shri Manoj Kumar Jaiswal, Advocate
For Respondent/State	: Shri Priyanshu Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

14.12.2021

- 1) Second bail application of the applicant was dismissed as withdrawn by this Court vide order dated 31.08.2021 in MCRC No. 5427 of 2021.
- 2) The applicant has preferred this Third Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 09.11.2020 in connection with Crime No. 740/2020 registered at Police Station- Sarangarh, District- Raigarh (C.G.) for the offence punishable under Section 306, 304 (B), 498(A) of IPC.
- 3) Allegation against the applicant is that after marriage, he mentally and physically harassed his wife/deceased in connection with demand of money as a result of which she committed suicide within six months of her marriage by consuming poison and setting herself on fire by pouring kerosene.
- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further

submits that the father of the deceased in his evidence stated nothing against the applicant and did not support the prosecution case, there is no dying declaration of the deceased. The applicant has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 09.11.2020 & charge-sheet has already been filed and trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.

- 5) On the other hand, learned counsel for the Respondent/State opposes the bail application.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, evidence of the witnesses PW/1, Nohar Singh Tandon, father of the deceased, PW/2 Smt. Rita Tandon, sister-in-law of the deceased, PW/3, Raju Tandon, brother of the deceased, PW/4, Suraj Kumar Tandon, brother of the deceased, PW/5, Smt. Lalima Kurrey, sister of the deceased & PW/6, Budhiyarin Tandon, aunt of the deceased, no dying declaration of the deceased was recorded, charge-sheet has already been filed, the detention period of the applicant, who is 25 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 counsel and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 7) It is directed that in the event of the applicant executing a personal bond for a sum of **Rs. 1,00,000/-** with two sureties of **Rs. 50,000/-** each to the satisfaction of the concerned trial Court, he shall be released on bail, on 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 strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority,

(v) he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim