

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9500 of 2020

- Amit Yadav S/o Sahrathi Aged About 24 Years R/o Santosh Bhawan, Gali No. 1, Bangalipara Sarkanda, P.S. Sarkanda, District- Bilaspur, C.G., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Sarkanda, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

--Non-Applicant

For Applicant	: Shri Achyut Tiwari, Advocate
For Non-Applicant/State	: Shri B.L. Sahu, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

11.02.2021

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 4.12.2020 in connection with Crime No.67/2018, registered at Police Station- Sarkanda, District- Bilaspur(C.G.) for the offence punishable under Section 306 of the IPC.
2. Case of the prosecution is that the deceased committed suicide by pouring kerosene oil on her body and setting herself of fire on 25.8.2014. It is alleged that the deceased and the applicant were in love affair. Based on this, an offence has been registered against the applicant and he was arrested.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated and he has been falsely implicated in the case. He submits that the deceased has committed suicide on 25.8.2014 and FIR has been lodged on 31.1.2018 after about 3 1/2 years of the incident only on the suspicion that the deceased and the applicant were in love affair. He further submits that the deceased had committed suicide as

her parents stopped her going to School and yet charge sheet has not been filed and no offence is made out against the applicant for commission of offence under Section 306 of the IPC, 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.
5. Having considered the submission made by learned counsel for the parties, the nature of allegations against the applicant; and the fact that the deceased had committed suicide on 25.8.2014 due to her parents stopped her to going to School and FIR has been lodged on 31.1.2018 after a delay of about 3 1/12 years; the detention period of the applicant and conclusion of trial is likely to take some time, without commenting on merits, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is allowed.
7. 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 not involve himself in any offence of similar nature in future.

Sd/
(Gautam Chourdiya)
Judge