

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8997 of 2021**

- Mohnish Janghela, S/o Tulsiram Janghela, aged about 31 Years, R/o A-28 Aakriti Vihar Amlidin, Police Station Rajendra Nagar Raipur, Tehsil and District Raipur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station Rajendra Nagar Raipur, Tehsil and District Raipur, Chhattisgarh.

----Non-applicant

For Applicant	Shri Sachin Nidhi, Advocate.
For State	Shri Anand Verma, Deputy G.A.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****17/12/2021**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.228/2021 registered at Police Station Rajendra Nagar, Tehsil and District Raipur, C.G. for the offence punishable under Section 306 of Indian Penal Code.
2. Allegation against the present applicant is that upon coming to know about the illicit relations of his wife Nidhi Janghela with co-accused Vikas, he used to mentally harass her, as a result of which she committed suicide on 17.08.2021 by hanging.
3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that

applicant has not committed any offence nor is involved in commission of any offence as alleged against him. He is in custody since 25.10.2021, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that applicant has no criminal antecedent.

5. Heard learned counsel for the parties.

6. Considering the facts and circumstances of the case, the nature of allegation against the applicant, the fact that as per prosecution case, deceased was having illicit relations with co-accused Vikas, there is no specific allegation against the present applicant, charge sheet has been filed, the detention period of the applicant, who is 31 years old, the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the 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, this Court is of the opinion that present is a fit case to release the applicant on bail. Accordingly, the bail application is allowed. It is directed that in the event of 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 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 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

Akhilesh