

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.9193 of 2021

- Surendra Kumar Yadav, S/o Jeevan Lal Yadav, Aged About 22 Years, R/o Village Khadgawa, Raghavganj, Police Station Khadgawa, Tahsil Khadgawa, District Koriya, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police of Police Station Khadgawa, District Koriya, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Mr. Ramsajiwan, Advocate
Mr. Wasim Miyan, PL

Hon'ble Justice Shri Deepak Kumar Tiwari

Order On Board

17/12/2021

1. The applicant has preferred this second bail application under Section 439 of CrPC for grant of regular bail, as he has been arrested in connection with Crime No.292/2020, registered at Police Station Khadgawa, District Koriya for the offence punishable under Section 306 of IPC.
2. The first bail application of the applicant was dismissed on merits on 18.02.2021 in MCRC No.8421/2020 reserving liberty in favour of the applicant to revive the prayer after examination of brother Naman (PW-1) and husband Rahul (PW-2) of deceased.
3. The case of the prosecution in brief is that the applicant used

to harass the deceased Neetu Das and threatened her that he has her photographs and will circulate the same amongst her family members and later on he put her photograph as the profile picture on his mobile phone, therefore, the deceased committed suicide by consuming poison.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the applicant is a young boy, aged about 22 years, and if he is detained in the custody for a long time, then his future would be adversely affected. The ingredients of sections as levelled against the applicant are not attracted, therefore, the applicant may be enlarged on bail.
5. On the other hand, learned State counsel opposes the bail application.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, nature of offence, further considering that the abetment is a serious ingredient of offence under Section 306 of IPC, detention period of the applicant, this Court finds fit that the applicant be enlarged on bail.
8. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of ₹ 10,000/- with one surety in the like sum to the satisfaction of the concerned Court for his

appearance as and when directed, subject to following conditions:

(I) The applicant shall furnish a coloured passport size photograph and also a copy of the Aadhar Card before the Trial Court at the time of bail, which shall be verified from its original by the trial Court.

(II) The applicant shall furnish a specific undertaking that while on bail, he will not commit any offence of the same nature, otherwise the bail granted to him shall be liable to be cancelled and shall cooperate the prosecution during trial.

(III) The accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/ applicant 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 facts to the Court or to any police officer.

(IV) The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-
Deepak Kumar Tiwari
Judge