

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5467 of 2015**

Dileshwar @ Ballu Sahu, son of Shri Pardeshi Sahu, aged about 27 years, resident of Village Hemunagar, Police Station-Torwa, District Bilaspur (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh Through: Police Station Lormi, District Mungeli (C.G.)

- Non-applicant

For Applicant: Mr. Vijay Kumar Mishra, Advocate.
For Respondent/State: Mr. Om. P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****12/10/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.246/2015 registered at Police Station Lormi, Distt. Mungeli for the offences punishable under Sections 304 'B'/34 of the Indian Penal Code in alternative Section 302/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that Vimla Bai, wife of Shri Dilip is alleged to have committed suicide on 05/05/2015 on

account of cruelty and dowry being demanded by the applicant and other six other co-accused persons.

(3) Counsel for the applicant submits that applicant is brother-in-law of the deceased and he has not committed any offence as he is residing separately from the deceased and her husband and there are general & omnibus allegations against them. He further submits that applicant is in jail since 25.05.2015 and the similarly situated co-accused persons have already been released on bail by this Court vide order dated 31.08.2015 in M.Cr.C. No.4394/2015 and, therefore, the present applicant may also be released on bail on the ground of parity.

(4) On the other hand, learned counsel for the State, after verifying the records, would submit that present case is similar to that of accused persons , who have already been granted regular bail by this Court vide order dated 31.08.2015 in M.Cr.C. No. 4394/2015.

(5) Considering the totality of the facts, in particular the fact that co-accused persons namely have already been granted regular bail by this Court vide order dated 31.08.2015 in M.Cr.C. No. 44394/2015 and the applicant is in jail since 25.05.2015; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant- Dileshwar @ Ballu Sahu is directed to be released on bail on his executing a personal bond in the sum

of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rule.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-