

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7037 of 2019**

- Vikash Sahu S/o Ramchand Sahu aged about 21 years, Occupation-Agriculture, R/o Village-Karesara, Police Station and Tahsil-Badla, District-Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station-Bodla, District-Kabirdham, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Dharmesh Shrivastava, Adv.
For Respondent/State	:	Mr. Akhtar Hussain, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****19/12/2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 93/2019 registered at Police Station-Bodla, District-Kabirdham (C.G.) for the offence punishable under Sections 498-A, 313, 467, 468 and 471/34 of the IPC.
2. The prosecution story, is that on 23.03.2019 complainant Madhu Sahu lodged a report that she was married with Satish Sahu, the brother of the present applicant on 22.04.2018 and her family gave a lot of dowries to the in-laws of the victim. It is alleged that the in-laws tortured her for Motor Cycle which was not given in the dowry it is further alleged that without her consent on the basis of forged sign in the document, fetus was aborted by her in-laws in the Mahadev Super Specialty Hospital, Bilaspur. Based on this, offence has been registered against the present applicant and others.

3. 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 main allegation is against the husband and mother-in-law of the victim and the present applicant is the brother-in-law of the victim. The applicant is in jail since 17.09.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the main allegation is against the husband and mother-in-law of the victim and the present applicant is in jail since 17.09.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local 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.

**Sd/-
(Rajani Dubey)
Judge**