

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 328 of 2020**

- Amit Yadav S/o Jagat Yadav, aged about 23 years, R/o Mahabirganj, Ward No. 19, Yadav Para, Outpost - Vijaynagar, P.S. - Ramanujganj, District Balrampur-Ramanujganj (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station Ramanujganj, District Balrampur-Ramanujganj (C.G.)

---- Respondent

For Applicant	:	Smt. Indira Tripathi, Advocate
For Respondent	:	Shri B.L. Sahu, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****28/02/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.136/2019, registered at Police Station - Ramanujganj, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 304-B IPC.
2. The prosecution story, in brief, is that the marriage of deceased was solemnized with the applicant in the year 2017 and since then she was discharging her matrimonial duties in her in-laws house. After one year of the marriage, the deceased was subjected to cruelty by the applicant and his family members for dowry, as a result of which, she committed suicide by hanging herself on 24.07.2017. Based on this, offence has been registered. The present applicant has been taken into custody on 28.07.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. She further submits that the mother and brother of the applicant

are leaders of BJP party due to which the sitting MLA of the Congress party pressurized the police as also influenced the complainant (mother of the deceased) which led to filing of the FIR against the applicant. She also submits that vide order dated 22.01.2020 and 1451/2019 passed in MCRCA No.1711/2019 and 1451/2019, the mother and sister-in-law of the applicant have already been granted anticipatory bail by the co-ordinate Bench. It is next submitted that the applicant is in custody since 28.07.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application. He submits that the applicant used to harass and commit maarpeet with the deceased for dowry under the influence of liquor and due to this, the deceased has committed suicide by hanging herself.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that general allegations have been raised, the applicant is in custody since 28.07.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till the final disposal of the trial

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

Pekde