

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 567 of 2020

1. Vishnu Pal S/o Galav Pal Aged About 31 Years R/o Village - Pateva, Police Station Ghumka, District Rajnandgaon Chattisgarh
2. Galav Pal S/o Late Jhadhram Pal Aged About 66 Years R/o Village - Pateva, Police Station Ghumka, District Rajnandgaon Chattisgarh
3. Radha Bai W/o Galav Pal Aged About 63 Years R/o Village - Pateva, Police Station Ghumka, District Rajnandgaon Chattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Ghumka District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicants	: Shri Vishnu Koshta, Advocate
For Respondent/State	: Smt. Reena Singh, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

09/03/2020

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No. 209/2019 registered at police station Ghumka, District Rajnandgaon (CG) for the offence punishable under Section 304-B/34 IPC.

As per prosecution case, a report was lodged by the father of the deceased that his daughter died in her matrimonial house after consuming poison. It is further alleged that the applicant No.1 and

husband of the deceased was having illicit relation with the wife of his brother on account of which there was dispute between them.

Counsel for the applicants submits that so far as applicant No.1 Vishnu Pal is concerned, he seeks to withdraw the bail application on his behalf with liberty to renew the same after examination of material witnesses.

He submits that the applicants No. 2 & 3 are innocent and have been falsely implicated in the crime in question. He submits that the applicants are old aged and are in jail since 25.10.2019; the charge sheet has already been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsels for the parties, considered the totality of the fact, in particular the detention period of the applicants and the fact that they are aged persons, I am inclined to release them on regular bail. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicants' furnishing a personal bond in the sum of Rs. 25,000/- each with one surety for the like sum to the satisfaction of the concerned Court, they shall be released on bail. The bail application on behalf of applicant No.1 Vishnu Pal is dismissed as withdrawn with the liberty as aforesaid.

Sd/-
(Rajani Dubey)
Judge