

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 933 of 2020**

- Bhuneshwar Sahu @ Bhunesh, Aged about 27 years, S/o Dukalu Sahu, R/o Village Sarva, P.S. Kasdol, District Baloda-Bazar-Bhatapara (C.G.)

---- Applicant

Versus

- State of Chhattisgarh through SHO, P.S. Kasdol, District Balodabazar-Bhatapara Chhattisgarh.

---- Respondent

For Applicant.	:	Ms. Upasna Mehta on behalf of Mr. Dharmesh Shrivastava, Advocate.
For Respondent/State	:	Mr. Raghvendra Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****30.06.2020**

1. Heard.
2. Admit.
3. The applicant has filed his **Third Bail Application** under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 495/2019 registered at Police Station : Kasdol, Civil and Revenue District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 304-B, 34 of the IPC.
4. The first bail application of the applicant was dismissed as withdrawn on 15.11.2019 passed in MCRC No. 7455/2019 and the second bail application of the applicant was also dismissed as withdrawn with liberty to file the same at an

appropriate stage on 20.12.2019 passed in MCRC No. 7822 of 2019.

5. The allegation against the present applicant, as per the prosecution case, is that he is brother-in-law of the deceased and after marriage he along with other co-accused used to harass the deceased in the name of demand of motorcycle on dowry, due to that she committed suicide by pouring kerosene oil on her and setting herself of fire. Based on that, offence has been registered against the applicant and the applicant was arrested.
6. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that before the trial Court prosecution witnesses PW-1, PW-2, PW-3, PW-4 have been examined but no one has specifically stated against the applicant. The applicant is in jail since 01.08.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.
7. On the other hand, State counsel opposes the bail application.
8. I have heard learned counsel for the parties and perused the record.
9. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering that the applicant is in jail since 01.08.2019 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.

10. 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 said Court on each and every date given to him by the said Court.
11. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **in Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.

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