

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 904 of 2020

- Dhansai Sahu S/o Bhagwat Ram Sahu Aged About 30 Years Resident Of Shyamtarai, Abadi Para, Police Station Arjuni, Tahsil And District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Arjuni, District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh

---- Respondent

 For Applicant : Shri Anil Gulati, Advocate
 For Respondent/State : Shri Gagan Tiwari, P.L.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

27.5.2020

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.269/2019, registered at Police Station Arjuni, District Dhamtari(CG) for the offence punishable under Sections 306, 498-A of the IPC and Section 3 (2) (V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. As per the case of prosecution, the deceased who was wife of the applicant has committed suicide on the instigation of the applicant.
4. Learned counsel for the applicant submits the applicant is innocent and he has been falsely implicated in the case. He submits that the deceased was wife of the applicant and they

were married in the year 2012 and having two children, but on some petty matter the deceased herself has committed suicide and the applicant has not instigated her. He submits that there is no evidence against the applicant; the applicant has to look after his children and he is in jail since 02.11.2019 and trial may take some time for its final disposal therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant was doubting the character of the deceased/wife, therefore, she has committed suicide.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and further considering the detention period of the applicant and charge sheet has been filed as also the applicant has two children to whom he has to look after, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. 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 23.3.2020 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.

11. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE