

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1137 of 2020

- Mrs. Sawita Sahu W/o Kishan Sahu Aged About 44 Years R/o Kevansi Sahu Para, Police Station Aarang, Tahsil And District- Raipur, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh Through Police Station Aarang, District- Raipur, Chhattisgarh. **---- Respondent**

For Applicant : Mr. L.K. Mishra, Advocate

For Respondent/State : Mr. Dinesh Tiwari, Dy.G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

01.06.2020

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for his release on regular bail during trial in connection with Crime No.753/2019, registered at Police Station - Arang Police Station, District- Raipur(C.G.) for the offence punishable under Section 304 B, 34 of IPC.
2. It is the case of the prosecution that, on 23.04.2019 marriage between the Laxminarayan Sahu and deceased Mamta Sahu was solemnized. On the night of 05.11.2019 the deceased committed suicide which was reported to the local police station on 06.11.2019 by the husband of the deceased. That, on 11.11.2019, the sister of the accused filed a written complaint before the concerned police station alleging dowry death without any proof. Based on this, offence has been registered. The present applicant is in custody since 28.11.2019.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that as the applicant is in custody since 28.11.2019, charge sheet has been filed and the trial is likely to take some time for its final disposal, therefore, he 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 record.
6. Considering the facts and circumstances of the case, in particular the nature of offence and further considering the fact that the applicant is in jail since 28.11.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future, without further commenting on merits of the case, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
8. 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 local 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.
9. 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), they need not furnish bail bond afresh and the bail bond already furnished shall be deemed to be the bail bond furnished in compliance of the order of this Court, but if he has not furnished the bail bond earlier, then he will be required to furnish bail bond within four weeks from today.

10. Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

Nadim