

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1303 of 2020

- Aman Agrawal S/o Shri Vijay Agrawal Aged About 21 Years R/o Negipara, Chhal, P.S. And Tahsil Chhal, District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Of The Police Station - Chhal, Tahsil And District Raigarh Chhattisgarh

---- Respondent

For Applicant	: Shri Abhishek Saraf, Advocate
For Respondent /State	: Shri Dinesh Tiwari, Dy.GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

02/06/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 37/2019 registered at police station Chhal, district Raigarh (CG) for the offence punishable under Sections 498-A and 304-B/34 IPC.

As per prosecution case, wife of the applicant committed suicide after consuming poison in her matrimonial house after seven years of marriage. It is alleged that the in-laws and the applicant used to harass the deceased and subjected her to cruelty for demand of dowry.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that similarly placed co-accused i.e. mother and father-in-law of the deceased have been granted bail by this Court in M.Cr.C. No. 7219/2019 vide order dated 08.01.2020 and therefore the present applicant may also be granted similar benefit. He submits that there are general allegations against the applicant. He further submits that the applicant is in jail since 24.09.2019 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 counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnishing 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

suguna