

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1381 of 2020

- Atul Kushwaha, S/o. Shri Chhotelal Kushwaha, aged about 22 years, R/o. Village Podi, Police Station Sidhi, District Shahdol MP

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Janakpur, district Koriya Chhattisgarh.

---- Respondent

For Applicant	: Shri Anil Gulati, Advocate
For Respondent/State	: Shri Ayaz Naved, GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

14/07/2020

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.143/2019 registered at police station Janakpur, district Koriya (CG) for the offence punishable under Sections 306 and 304-B IPC.

As per prosecution case, report was lodged against the applicant alleging that he used to harass the deceased, who was his wife for demand of motor cycle. It is stated that on account of which, she committed suicide by pouring kerosene oil and setting herself ablaze.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that there are general allegations levelled against the applicant and that the incident occurred in the parental house of the deceased. He further submits that the applicant is in jail since 21.10.2019; 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 fact that there are general allegations against the applicant and also 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