

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1348 of 2020**

1. Ashwani @ Naresh Sahu S/o Santram Sahu Aged About 27 Years R/o Azad Chowk, Chitaud, Police Station Birejhar, Tahsil Kurud, District Dhamtari Chhattisgarh.
2. Santram Sahu S/o Teejram Sahu Aged About 47 Years R/o Azad Chowk, Chitaud, Police Station Birejhar, Tahsil Kurud, District Dhamtari Chhattisgarh.
3. Pushpa Sahu W/o Santram Sahu Aged About 45 Years R/o Azad Chowk, Chitaud, Police Station Birejhar, Tahsil Kurud, District Dhamtari Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Kurud , District Dhamtari Chhattisgarh.

---- Respondent

For Applicants	: Mr. Prafull N. Bharat, Adv.
For Respondent/State	: Mr. K.K. Singh, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03.06.2020**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 546/2019 registered at Police Station Kurud, District Dhamtari (C.G.) for the offence punishable under Section 304-B r/w Section 34 of the IPC.
2. In this case the present applicants are husband, father-in-law and mother-in-law of the deceased. The prosecution story in brief is that, the applicants used to torture and harass the deceased in the name of dowry, due to which, she set herself

ablazed. Based on this, offence has been registered against the applicants and they have been arrested.

3. In respect of applicant No. 1 namely Ashwani @ Naresh Sahu learned counsel for the applicants wants to withdraw his bail application.
4. Accordingly, bail application in respect of applicant Ashwani @ Naresh Sahu is dismissed as withdrawn.
5. In respect of applicants Santram Sahu and Pushpa Sahu learned counsel submits that the applicants are innocent and have been falsely implicated in the crime in question. He next submits that the main allegation is against applicant No. 1 namely Ashwani @ Naresh Sahu/ husband of the deceased. He also added that they are old age person who are in jail since 03.11.2019, therefore, the applicants may be released on bail.
6. On the other hand, counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, age and detention period of applicants and particularly considering the fact that the main allegation is against the applicant No. 1, Ashwani @ Naresh Sahu, as 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 applicants Santram Sahu and Pushpa Sahu on bail. Accordingly, the application in respect of applicants Santram Sahu and Pushpa Sahu is allowed.

9. Accused/applicants Santram Sahu and Pushpa Sahu are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date to be given to them by the said Court.
10. It is made clear that if the applicants have 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), they 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 they have not furnished the bail bonds earlier, then they will be required to furnish bail bonds within four weeks from today.

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