

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1376 of 2020

- Sant Bilas S/o Dhaniram @ Dhanu Aged About 26 Years R/o Village Chhindiya, Police Station And Tahsil Ramanujnagar, District- Surajpur, Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh Through Station House Officer, Police of Police Station Ramanujnagar, District- Surajpur, Chhattisgarh.

---- Respondent

 For Applicant : Mr. Anil Gulati, Advocate
 For Respondent/State : Mr. Samir Sharma, G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

03.06.2020

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.145/2019, registered at Police Station – Ramanujnagar, District- Surajpur (C.G.) for the offence punishable under Section 306 of IPC.
2. It is the case of the prosecution that on 15.09.2019 a merger intimation was lodged by the applicant mentioning in it that his marriage was solemnized alongwith the deceased in the year 2016 and on 15.09.2019, when he went outside of the house, the wife of the applicant committed suicide by hanging herself. Based on this, offence has been registered. The present applicant is in custody since 26.09.2019.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that ingredients of Section 107

of Indian Penal Code would not be attracted in the present case and there is no abatement on the part of the applicant to force to the deceased to commit suicide. As the applicant is in custody since 26.09.2019, 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 26.09.2019, 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