

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1855 of 2020

- Anand Dewangan, S/o Shri Chandrika Prasad Dewangan Aged About 39 Years
- Shekhar Dewangan, S/o Shri Chandrika Prasad Dewangan Aged About 30 Years

Both R/o Village - Sadar Road, Arang, Tahsil - Arang, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh, Through - Police Thana - Aarang, District - Raipur Chhattisgarh

---- Respondent

For Applicants	: Shri Sanjay Agrawal, Advocate
For Respondent /State	: shri Dinesh Tiwari, Dy.GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

09/06/2020

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No. 38/2020 registered at police station Aarang, District Raipur (CG) for the offence punishable under Sections 304-B/34 IPC.

As per prosecution case, wife of applicant No. 2 committed suicide after consuming poison. It is alleged that the deceased was harassed for demand of motor cycle and cash of Rs. 2,00,000/- as dowry.

Counsels for the applicants submits that so far as applicant No.2 Shekhar Dewangan is concerned, he seeks to withdraw the application on his behalf with liberty to renew the same after examination of material witnesses.

He submits that applicant No.1 is the brother in law of the deceased and he has been falsely implicated in the crime in question. He submits that the applicant No.1 is in jail since 16.01.2020; the charge sheet has already been filed 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. He however has no objection if the application on behalf of the applicant No.2 is dismissed as withdrawn.

Having heard counsels for the parties, considered the totality of the fact, in particular the detention period of the applicant No.1, 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. The application filed on behalf of applicant No.2 is dismissed as withdrawn with the aforesaid liberty.

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