

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1945 of 2020

- Arvind Singh, Son of Dharamraj Singh, Aged about 48 years, Resident of Lotus 247, Talpuri Colony, A Block Talpuri, Bhilai-6, Police Station Bhilai Nagar, District durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sirgitti, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant	: Shri Rahul Tamaskar, Advocate
For Respondent/State	: Shri Samir Sharma, Dy.GA
For Objector	: Shri Kishore Bhaduri, Advocate

Hon'ble Smt. Justice Rajani Dubey

Order On Board

15/06/2020

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. 82/2020 registered at police station Sirgitti, district Bilaspur (CG) for the offence punishable under Section 498 A, 34 IPC.

As per prosecution case, report was lodged by the complainant alleging that she was married to co-accused Abhishek Singh as per Hindu custom and out of their wedlock, one child was born. It is further alleged that the complainant was residing separately from her husband as she was ill treated by her husband and in-laws for demand of dowry. It is stated that the applicant is the uncle of co-accused Abhishek Singh, husband of the complainant.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the co-accused persons i.e. husband of the complainant and her in-laws have been granted bail and the applicant is her uncle-in-law who has nothing to do with the case, therefore the applicant may be granted similar benefit. He further submits that the applicant is in jail since 22.02.2020 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 as well as counsel for the objector opposes the bail application. Counsel for the objector submits that the applicant has disobeyed the order passed by the High Court of Jharkhand and he is absconding till date.

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. 5,00,000/- with two sureties for the like sum to the satisfaction of the concerned Court, he shall be released on bail subject to the following conditions :

- i) That the applicant shall furnish a specific undertaking that while on bail, he/she will not commit any excise offence, otherwise bail granted to him/her shall be liable to be cancelled and shall co-operate the prosecution during trial.
- ii) that the accused/applicant shall make himself/herself available for interrogation before the concerned Investigating Officer as and

when required and the accused/applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.

lii) That the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

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