

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3109 of 2020**

1. Pawan Kumar Sahu S/o Late Jagannath Sahu Aged About 57 Years R/o Village Purai, Police Station Utai, Tahsil And District- Durg, Chhattisgarh.
2. Smt. Kanti Bai Sahu W/o Shri Pawan Kumar Sahu Aged About 50 Years R/o Village Purai, Police Station Utai, Tahsil And District- Durg, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through : Police Station Utai, District- Durg, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. T. K. Jha, Adv.
For Respondent/State	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****11/06/2020**

1. Heard on admission.
2. Admit.
3. 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. 94/2020 registered at Police Station-Utai, District-Durg (C.G.) for the offence punishable under Section 328, 34 of the IPC.
4. The prosecution story, in brief is that, on 12.03.2020 at about 11:00 am., complainant Indu Sahu went to terrace for bringing the dry cloths and while she was alighting the stairs her mother-in-law and father-in-law present applicants caught hold her hand and forcefully administered some medicine. On her screaming her neighbours namely Rewti Sahu, Anusuiya Sahu and Sudha Sahu came on spot and informed her husband Bhupendra

Sahu. Bhupendra Sahu took the complainant to the hospital. Thereafter, police recorded her statement. Based on this, offence has been registered against the present applicants.

5. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that there is inconsistency between the statement of the complainant and witnesses. FSL report has not filed with the charge sheet, therefore it cannot be said that the liquid administered was a poisonous substance. He next submits that the applicants are in jail since 15.03.2020, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
6. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicants are serious in nature, therefore, no case is made out for grant them bail.
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, detention period of applicants and further considering the facts that the applicant No. 1 is a 57 years old man and applicant No. 2 is a 50 years old woman and the applicants are in jail since 15.03.2020 and the 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 on bail. Accordingly, the application is allowed.
9. Accused/applicants 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 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 shall be required to furnish bail bonds within four weeks from today.

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