

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3466 of 2020

- Ajay @ Chhotu Sahu, S/o. Dharam Singh Sahu, Aged about 24 years, Resident of Village Mohanpur, P.S. and Tehsil Lailunga, District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Lailunga District Raigarh Chhattisgarh

---- Respondent

For Applicant	: Shri Manoj Kumar Sinha, Advocate
For Respondent/State	: Shri H.S.Ahluwalia, Dy.AG

Hon'ble Smt. Justice Rajani Dubey

Order On Board

14/07/2020

Heard on admission.

Admit.

The applicant has filed this second 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. 112/2019 registered at police station Lailunga, district Raigarh (CG) for the offence punishable under Section 304-B IPC. The first bail application was dismissed as withdrawn with the liberty to revive the same after two months vide order dated 22.10.2019 in M.Cr.C. No. 5309/2019.

As per prosecution case, deceased Basanti Sahu, wife of the

applicant committed suicide by hanging on 23.04.2019. It is alleged that the applicant used to harass her for demand of dowry.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that mother and brother of the deceased have not supported the case of prosecution and have turned hostile. He submits that the applicant is in jail since 20.07.2019, charge sheet has 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.

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. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

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

suguna