

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4571 of 2020**

1. Laxminarayan Sahu, S/o Kishan Sahu, Aged About 28 Years,
2. Kishan Sahu, S/o Late Shri Chinta Ram Sahu, Aged About 46 Years,
Both are R/o Kevansi Sahu Para, P.S. - Aarang, Teh. & District- Raipur (C.G.).

---- Applicants**Versus**

- State of Chhattisgarh, through Police Station- Aarang, District- Raipur (C.G.).

---- Respondent

For Applicants	: Mr. Lukesh Kumar Mishra, Adv.
For Respondent/State	: Ms. Sunita Jain, G. A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17.08.2020**

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. 753/2019 registered at Police Station- Aarang, District- Raipur (C.G.) for the offence punishable under Sections 304B, 34 of IPC.
4. The prosecution story, in brief is that, the marriage between the applicant No. 1 namely Laxminarayan Sahu and the deceased was solemnized on 23.04.2019. On the night of 05.11.2019, the deceased committed suicide which was reported to the local police station on 06.11.2019 by the applicant No. 1 (husband). On 11.11.2019, the sister of the deceased filed a written complaint alleging dowry death without any proof. Thereafter, offence has been registered against the present applicants and they have been taken into custody.

5. Learned counsel for the applicants submits that so far as applicant No. 1 is concerned, he is not pressing the application on his behalf and wants to withdraw with liberty to file the same after examination of material witnesses.
6. On behalf of the applicant No. 2, counsel for the applicants submits that he is innocent and has been falsely implicated in the crime in question. He further submits that the charge-sheet has been filed and other co-accused has been granted bail in MCRC No. 1137/2020 vide order dated 01.06.2020. The applicant is in jail since 23.11.2019 and there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
7. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the allegation against them is of serious in nature, therefore, no case is made out for grant of bail.
8. Having heard counsel for the parties, considered the totality of the fact, in particular the nature of allegation and detention period of the applicant No. 2-Kishan Sahu , I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.
9. It is directed that in the event of the applicant No. 2-Kishan Sahu, furnishing a personal bond in the sum of Rs. 25,000/- with one local surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail. However, the application on behalf of applicant No. 1-Laxminarayan Sahu is dismissed as withdrawn with the liberty as aforesaid.

Sd/-
(Rajani Dubey)
Judge

Ruchi