

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4789 of 2020**

- Gowardhan Das Mahant S/o Itwari Mahant, Aged About 27 Years R/o Village - Chhote Mudpar, Police Station And Tahsil - Kharsiya, Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station - Kharsiya, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Adv.
For Respondent/State	:	Mr. H. S. Ahluvalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13/08/2020**

1. The default as pointed out by the registry is overruled.
2. Heard on admission.
3. Admit.
4. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 27/2020 registered at Police Station Kharsiya, District-Raigarh (C.G.) for the offence punishable under Section 304(B), 34 of the IPC.
5. The prosecution story in brief is that, wife of the applicant committed suicide by hanging in her matrimonial house within a few months of marriage. It is alleged that the applicant and other family members used to harass the deceased and subjected her to cruelty for demand of dowry. Based on this, offence has been registered against the present applicant and other co-accused person.
6. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the co-accused of this case has already been granted bail in MCRC No. 1839/2020, therefore, the present applicant may also be granted benefit of

bail. He next submits that the applicant is in jail since 14.01.2020, 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 submits that the allegation against the applicant is of serious in nature; therefore, no case is made out for grant of bail.
8. I have heard learned counsel for the parties and perused the case diary.
9. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering that the applicant is in jail since 14.01.2020, 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 applicant on bail. Accordingly, the application is allowed.
10. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

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