

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4407 of 2020

- Ashwani Kumar Yadav, S/o. Shri Ram Ratan Yadav, Aged about 32 years
- Radha Bai Yadav, W/o. Sundar Yadav, Aged about 30 years,
Both R/o. Village Girjaband Navagaon, PS Ratanpur, District Bilaspur CG

---- Applicants

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Ratanpur, district Bilaspur CG

---- Respondent

MCRC No. 4875 of 2020

- Ram Ratan Yadav, S/o. Thelau Ram Yadav, Aged about 60 years, R/o. Village Girjaband Navagaon, PS Ratanpur, District Bilaspur CG

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Ratanpur, district Bilaspur CG

---- Respondent

For Applicant : Shri Anurag Bajpai, Advocate
For Respondent /State : Shri H.S.Ahluwalia, Dy. AG

Hon'ble Smt. Justice Rajani Dubey

Order On Board

18/08/2020

As both these M.Cr.Cs. arise out of the same crime number,
they are being disposed of by this common order.

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No. 207/2020 registered at police station Ratanpur District Bilaspur (CG) for the offence punishable under Section 302/34 IPC.

As per prosecution case, the applicants who are the husband, sister-in-law and father-in-law have committed murder of the deceased by setting her on fire. It is alleged that the deceased was suspecting that her husband i.e. applicant No.1 is having illicit relation with her sister-in-law.

Counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. He submits that the Sarpanch and Kotwar of the village have also stated that when the deceased was taken to hospital, she informed that she has set herself on fire. He submits that the applicant in M.Cr.C. No. 4875/2020 is aged 60 years and due to the spread of the pandemic Covid-19, there are chances of his getting infected. He also submits that the applicant was not present in the house at the time of incident and at the time of admitting the deceased at hospital, in the case history, it was mentioned that the injury was due to attempt for committing suicide. He further submits that the applicants are in jail since 19.03.2020; charge sheet has been filed; offence is triable by the Magistrate and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion, therefore they may be released on bail.

On the other hand counsel for the State opposes the bail applications.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant and looking to the present situation of pandemic Covid-19, in M.Cr.C. No. 4875/2020, I am inclined to release the applicant 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.

Counsel for the applicants submits that he may be permitted to withdraw M.Cr.C. No. 4407/2020 with liberty to renew the same after examination of material witnesses.

Accordingly, the application is dismissed as withdrawn with the aforesaid liberty.

Sd/-

(Rajani Dubey)

Judge