

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4411 of 2020**

- Tankadhar Baag, S/o Santosh Baag (wrongly mentioned in the impugned order as Santosh Bagh) aged about 23 years, R/o Store Para, Old Bhilai, Durg Chhattisgarh, District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through the District Magistrate, Durg Police Station G.R.P. Bhilai, District Durg C.G.

---- Respondent

For Applicant.	:	Mr. Anmol Sharma, Advocate.
For Respondent/State	:	Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28.08.2020**

1. The accused/applicant has moved this **Second bail application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 66/2019 registered at Police Station - G.R.P. Bhilai, District Durg (C.G.) for the offence punishable under Section 304B/34 of the IPC.
2. The first bail application of the applicant was dismissed as withdrawn on 16.03.2020 passed in MCRC No. 705/2020 and a liberty was given to the counsel for the applicant to renew the same after examination of material witnesses.
3. The prosecution story in brief is that on 10.07.2019, wife of the present applicant committed suicide by hanging herself after being continuously harassed by the applicant and his father in the name of demand of dowry.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He

next submits that there is delay of about 14 days in lodging the FIR which creates doubt in the prosecution story. He further submits that as per the statement of mother of the deceased, the present applicant and the deceased were not legally married therefore, no case of demand of dowry is made out. The present applicant is in jail since 25.07.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.

5. On the other hand, counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering that the applicant is in jail since 25.07.2019 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.
8. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

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