

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4788 of 2020

Khorbahara Rajput, S/o.Dulari Rajput, Aged 60 years, R/o Village Pawarjali, Police Station Kunda district Kabirdham Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Kunda, District Kabirdham Chhattisgarh

----- Respondent

MCRC No. 5852 of 2020

Dharmendra Rajput, S/o Khorbahara, Aged About 30 Years, R/o Village Pawarjali, Police Station Kunda District : Kabirdham, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Kunda, District Kabirdham Chhattisgarh

---- Respondent

For Applicants	: Shri Malay Shrivastava, Advocate
For Respondent/State	: Shri H.S.Ahluwalia,Dy.AG

Hon'ble Smt. Justice Rajani Dubey

Order on Board

01/09/2020

As both the M.Cr.C's arise out of same crime number, they are being heard and disposed of by this common order.

The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure for releasing

them on regular bail during trial in connection with Crime No.68/2020 registered at Police Station – Kunda, District Kabirdham (C.G.) for the offence punishable under Sections 306 and 201/34 of the IPC.

It is the case of the prosecution that wife of applicant in M.Cr.C. No. 5852/2020 committed suicide by setting herself ablaze whereas the applicant in M.Cr.C. No. 4788/2020 is father-in-law of the deceased. It is alleged that the applicants used to ill treat her.

Counsel for the applicant submits that he may be permitted to withdraw the application filed in M.Cr.C. No. 5852/2020 with liberty to renew the same after examination of material witnesses.

Accordingly, the application is dismissed as withdrawn with the aforesaid liberty.

Counsel for the applicants submit that so far the applicant in M.Cr.C. No. 4788/2020 is concerned, he has been falsely implicated in the crime in question. He submits that there are general allegations against him and in the dying declaration of the deceased, she has stated that none of them is responsible for her suicide. Lastly, he submits that the applicant is old aged and is in custody since 26.05.2020 and the trial is likely to take some time for its final disposal, he may be released on bail.

On the other hand, counsel for the State opposes the bail application.

Considering the facts and circumstances of the case, in particular, the nature of allegation and also looking to his old age, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

Accordingly, the application filed under Section 439 Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.

Sd/-

(Rajani Dubey)
Judge

suguna