

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4978 of 2020**

1. Jyoti Prakash Sahu, S/o Shri Parasram Sahu, Aged about 21 years,
 2. Pushpanand Sahu, S/o Parasram Sahu, Aged about 23 years,
- Both applicants are R/o Village Amsena, PS Arang, District Raipur (C.G.)
- Applicants**

Versus

- State of Chhattisgarh, Through– PS Arang, District Raipur (C.G.)
- Respondent**

For Applicants : Mr. Ajay Mishra, Advocate.
For Respondent/State : Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24/09/2020**

1. The matter is heard through video conferencing.
2. 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. 79/2020 registered at Police Station- Arang, District Raipur (C.G.) for the offence punishable under Sections 304(B), 34 of the Indian Penal Code, 1860.
3. The allegation against the present applicants is that they used to ill treat the deceased, who is wife of applicant No.1. The applicant No.1, under the influence of liquor, used to commit maarpeet with deceased and demanded money for purchasing motorcycle. Owing to such act of the applicants, she died of burn injuries in suspicious condition within seven years of her marriage. Based on this, offence has been registered against the applicants. The applicants have been taken into custody since 05.02.2020.
4. Learned counsel for the applicants submits that he wants to withdraw bail application so far as it relates to applicant No.1 and prays for liberty to revive the same after examination of the material witnesses.

5. Accordingly, the bail application in respect of applicant No.1-Jyoti Prakash Sahu is dismissed as withdrawn reserving the liberty as prayed for.
6. In respect of applicant No. 2- Pushpanand Sahu, learned counsel for the applicant submits that the applicant No. 2 is innocent and has been falsely implicated in the crime in question. He further submits that the applicant No. 2 namely Pushpanand Sahu has neither committed any offence nor participated in such act. He also submits that no prima-facie case is found against the applicant No. 2. He next submits that the applicant No. 2 is in jail since 05.02.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future, therefore, the applicant No. 2 namely Pushpanand Sahu may be released on bail.
7. On the other hand, counsel for the State opposing the bail application submits that the allegation against the applicant No. 2 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 record.
9. Taking into consideration the submission of learned counsel for the parties, nature and gravity of the offence and further considering the fact that the applicant No.2 is in custody since 05.02.2020, charge sheet has been filed 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 No. 2 on bail. Accordingly, the bail application in respect of applicant No.2 is allowed.
10. Accused/applicant No. 2 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 for his appearance before it as and when directed, till final disposal of the trial.

Certified copy, as per rules.

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