

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5115 of 2020

- Durgesh Rathore, S/o. Ram Kumar Rathore, Aged about 32 years,
- Smt. Santoshi Bai, W/o. Ram Kumar Rathore, Aged about 40 years,

Both R/o. Village Sukli, Police Station Janjgir, District Janjgir-Champa CG

---- Applicants

Versus

- State Of Chhattisgarh, Through Police Station Janjgir, district Janjgir-Champa CG

---- Respondent

For Applicant : Shri Ravindra Sharma Advocate
For Respondent /State : Shri Rahul Jha, GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

17/08/2020

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. 239/2020 registered at police station Janjgir district Janjgir-champa (CG) for the offence punishable under Section 304-B/34 IPC.

As per prosecution case, complaint was lodged by the father of the deceased alleging that his daughter and son-in-law committed suicide on the railway line at Naila-Champa. It is alleged that the present applicants ill treated her for demand of dowry.

Counsel for the applicants submits that the applicants have been falsely implicated in the case. He submits that the deceased were

husband and wife and they were residing separately from their in-laws. He further submits that similarly placed co-accused has been granted bail by this Court in M.Cr.C. No. 3623/2020 vide order dated 26.06.2020 and therefore the applicants may also be granted the benefit. Lastly, he submits that the applicants are in jail since 20.05.2020; charge sheet has been filed 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 application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicants, I am inclined to release them on regular bail. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicants' furnishing a personal bond in the sum of Rs. 25,000/- with one surety each for the like sum to the satisfaction of the concerned Court, they shall be released on bail.

Sd/-
(Rajani Dubey)
Judge