

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 7391 of 2019

- Dipak Diwakar S/o Munna Alias Rajkumar Aged About 26 Years R/o Fulwarikala, Police Station Lalpur, District Mungeli, Chhattisgarh.
- Munna Alias Rajkumar S/o Chaituram Diwakar Aged About 49 Years R/o Fulwarikala, Police Station Lalpur, District Mungeli, Chhattisgarh.
- Smt. Prabha Diwakar W/o Munna Alias Rajkumar Aged About 45 Years R/o Fulwarikala, Police Station Lalpur, District Mungeli, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through Police Station Lalpur, Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Respondent

For Applicants	:-	Mr. Upendra Bharat, Advocate
For Respondent-State	:-	Mr. B.L. Sahu, PL

Hon'ble Smt. Justice Rajani Dubey
Order on Board

13/01/2020

- At the very outset learned counsel for the applicants seeks permission of the Court to withdraw the application on behalf of applicant No.1, Dipak

Diwakar, with liberty to file the same after examination of material witnesses.

- Accordingly, prayer is allowed for applicant No.1, Dipak Diwakar, with the aforesaid liberty.
- Heard application for remaining applicants namely Munna alias Rajkumar and Prabha Diwakar.
- The accused/applicants have moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 118/2019 registered at Police Station – Lalpur, District Mungeli (C.G.) for the offence punishable under Section 304B, 302/34 of the IPC.
- The prosecution story, in brief, is that applicants use to harass Shama Diwakar (wife of Applicant No.1) for dowry and were pressurized her to sale country liquor which was she refused to do due to which forced her to drink rat poison. Based on this, offence has been registered. The present applicants have been taken into custody on 28.06.2019.
- Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that there is no previous record of the applicants and they are peace loving citizens. He furthe submits that the presents applicants (Munna alias Rajkumar and Prabha Diwakar) are old persons. Next submission is that as the applicants are in jail since 28.06.2019,

they are ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by this Court, the present applicant Nos. 1 and 2 may be released on bail.

- On the other hand State counsel strongly opposes the bail application.
- I have heard learned counsel for the parties and perused the entire material available on record.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the fact that the present applicants are old persons. They are in jail since 28.06.2019 and as 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 Nos.1 and 2 on bail. Accordingly, the application is allowed.
- Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each with one local surety in the like sum to the satisfaction of the trial Court. Applicant Nos.1 and 2 are directed to appear before the said Court on each and every date given to them by the said Court.

Sd/-
(Rajani Dubey)
Judge