

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7961 of 2019**

- Anup S/o Fakir Ram Aged About 27 Years, R/o Badar, P. S. Rajpur, District Balrampur- Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : The Station House Officer, Police Station Rajpur, District Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Jitendra Shrivastava, Adv.
For Respondent/State	: Ms. Reena Singh, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03/02/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 220/2019 registered at Police Station-Rajpur, District - Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 306 of the IPC.
2. The brief facts of the prosecution, is that, the marriage of the applicant and deceased Malo was solemnized and out of the said wedlock two children were born. Prior to one year of the incident the applicant used to assault the deceased even on petty matters and subsequently he went to the State of Tamil Nadu for earning his livelihood and after return from there also he used to assault her for which the deceased called a meeting of the villagers but the applicant and his family members have not attended. On 07.06.2019 the deceased consumed poison for which she was admitted in hospital and

during treatment she died on 08.06.2019. The allegation is that in the hospital, the deceased stated that her husband used to assault her and her in-laws used to quarrel with her. Based on this, offence has been registered against the present applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits this case is not a case of instigation, in support of his argument, he placed reliance in the decision of Supreme Court in the matter of ***Sanju @ Sanjay Singh Sengar Vs. State of M.P judgment dated 01 May, 2002***. He also submits that the applicant is in jail since 18.10.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the applicant is in jail since 18.10.2019 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.
7. Accused/applicant 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. He is directed to appear before the trial Court on each and every date given to him by the said Court.

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