

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7928 of 2019**

- Sanjay Yadav S/o Shatruhan Lal Yadav Aged About 29 Years R/o Near M. M. I. Lalpur, Raipur District Raipur Chhattisgarh Permanent R/o Village Mew, P. S. Pamgarh District Janjgir-Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Sargaon, District Mungeli Chhattisgarh.

---- Respondent

For Applicant. : Mr. Pallav Mishra, Advocate.
 For Respondent/State : Mr. Akhtar Hussain, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****27.01.2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 324/2019 registered at Police Station – Sargaon, District Mungeli (C.G.) for the offence punishable under Sections 498A, 313/34 of IPC.
2. The allegation against the present applicant is that, he used to ill-treat his wife/prosecutrix after their marriage in the name of dowry and when she was pregnant the present applicant along with other co-accused persons illegally caused miscarriage without her consent. Based on that, after investigation, offence has been registered against the applicant and he has been arrested.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He

next submits that her miscarriage was caused after sonography test upon the advice of doctor because she was mentally ill patient. Applicant is jail since 16.11.2019, and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.

4. Per contra, State counsel strongly objects the bail application submitting that the miscarriage was caused deliberately by the applicant and his family members because there was previous disaffection between the prosecutrix and her in-laws including her husband/present applicant in the matter of dowry.
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, and further considering that the applicant is in jail since 16.11.2019 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 surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

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

Vijay Sahu