

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7999 of 2019**

- Chandrahash Sahu @ Pappu S/o Late Krishna Kumar Sahu Aged About 36 Years, R/o Village Junwani , Police Station Bhakhara, District Dhamtari, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Of Police Station Bhakhara, District Dhamatari, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Anil Gulati, Adv.
For Respondent/State	:	Mr.Vaibhav K. Agrawal, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28/01/2020**

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. 106/2019 registered at Police Station-Bhakhara, District - Dhamtari (C.G.) for the offence punishable under Sections 304(B)/34 of the IPC.
2. The prosecution story, in brief, is that the marriage of Indu Sahu was solemnized on 05.03.2016 with applicant, and the allegation is that applicant along with other co-accused demanded money from the deceased and the father of the deceased mortgaged the tractor and borrowed a sum of Rs. 4,00,000/- which was given to the applicant. Subsequently, deceased committed suicide by consuming poisonous substance. 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 that the applicant is not present at home at the time of incident and applicant is a government servant of Indian Army and the other co-accused have already been granted bail in MCRC No. 5005/2019, So the present applicant may also be granted benefit of bail. The applicant is in jail since 27.05.2019, 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 serving in Indian Army and the applicant is in jail since 27.05.2019 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**