

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8285 of 2019**

- Radheyshyam S/o Shri Ranbir Kashyap Aged About 26 Years R/o Pauna, Police Station Mulmula, Tahsil Janjgir, District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Mulmula, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. H.P. Agrawal, Advocate.
For Respondent/State	:	Ms. Akshara Amit, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06.02.2020**

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. 24/2019 registered at Police Station - Mulmula, District Janjgir-Champa (C.G.) for the offence punishable under Section 304-B of IPC.
2. The prosecution story in brief is that, on 07.02.2019, complainant Santosh Kumar Kashyap lodged a written report before the concerned police station alleging that after marriage, present applicant, who is husband of the deceased, with one Ranbir Kashyap used to harass and commit marpeet with deceased for bringing motorcycle using the filthy language, due to that, deceased consumed poison (Koranda 505) and consequently, she died. 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 the dying declaration has not corroborated the version of the written complaint. In her dying declaration deceased clearly stated that she herself has taken pesticide and nobody has committed mar-peet with her. Applicant is jail since 07.02.2019, 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. 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, dying declaration and further considering that the applicant is in jail since 07.02.2019, 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 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