

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8443 of 2019**

1. Manoj Kumar, S/o Late Shri Gambhir Prasad, aged about 23 years,
2. Dildar Prasad, S/o Late Shri Gambhir Prasad, aged about-34 years,

Both are R/o Village – Mohgaon, Police Station – Saragaon, Tahsil – Champa, Civil & Revenue District – Janjgir-Champa (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through : The District Magistrate Janjgir, Civil & Revenue District – Janjgir-Champa (C.G.)

----Non-applicant

For Applicants	: Mr. P.M. Shriwas, Advocate.
For Non-applicant/State	: Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****07/02/2020**

(1) The accused/applicants have preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 41/2019 registered at police Station Saragaon, District Janjgir-Champa (C.G.) for the offence punishable under Sections 304 (B) read with Section 34 of the Indian Penal Code.

(2) Case of the prosecution, in nutshell, is that Case of the prosecution, in brief, is that, marriage of deceased Rajani Bai was solemnized with applicant No. 2- Dilbar in the year, 2014 and immediately after marriage present applicants treated the deceased with cruelty in connection with demand of dowry and out of humiliation and frustration, she committed suicide by hanging herself, thereby, the applicants have committed the aforesaid offences.

(3) Counsel for the applicants submits that applicants have been falsely implicated in the offence in question as there is no evidence available on record to connect the applicants with the crime in question. He further submit that there are general allegations regarding demand of dowry have been made against the present applicants and they have been arrested on 03.06.2019 and since then he is in custody. He also submits that similarly situated co-accused person namely Sukhin Bai has already been granted bail by this Court vide order dated 13.12.2019 in M.Cr.C. No. 6763 of 2019, and, therefore, the present applicants may also be entitled for bail on the ground of parity.

(4) On the other hand, learned counsel for the State, after verifying the records, would submit that present case is similar to that of accused persons, who have already been granted bail by this Court in M.Cr.C. No. 6763/2019

(5) Taking into consideration the facts & circumstances of the case; particularly the facts that similarly situated co-accused person has already been granted bail by this Court vide order dated 13.12.2019 passed in M.Cr.C. No. 6763 of 2019; applicants are in detention since 03.06.2019; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicants are directed to be released on bail on each of them 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. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

