

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1523 of 2021**

1. Aashish Sahu S/o Chaitram Sahu, aged about 27 years,
2. Chaitram Sahu S/o Itwari, aged about 53 years,

Both are R/o Village Tarri, Police Station Gobra Nawapara, District Raipur (C.G.), present Address Village Rasni, P.S. Aarang, Distt. Raipur (C.G.)

----Applicants**Versus**

- State of Chhattisgarh, through the Station House Officer, Police Station Aarang, Distt. Raipur (C.G.)

----Non-applicant

For Applicant	Mr. Y.C. Sharma, Advocate.
For State	Mr. Amrito Das, Additional Advocate General

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****28/05/2021**

1. The matter is heard through Video Conferencing.
2. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No. 363/2020 registered at Police Station Aarang, District Raipur (C.G.) for the offence punishable under Sections 304-B, 34 of the Indian Penal Code.
3. Facts of the case are that the marriage of the deceased was solemnized with applicant No. 1 in February, 2020. On

18/07/2020, the deceased has died due to burnt injuries. On the basis of report made by Chaitram Sahu and the statements of the family members of the deceased, offence has been registered against the applicants. The applicants have been arrested on 11/08/2020.

4. Learned counsel for the applicants submits that the applicants are innocent persons and have been falsely implicated in this case. He further submits that on the same set of evidence, the coordinate bench of this High Court has already released other co-accused Reena Sahu and Champa Sahu vide order dated 03/02/2021 passed in MCRC Nos. 7787/2020 and 7984/2020. He further submits that there are no allegations of cruelty and demand of dowry against the applicants, they are in jail since 11/08/2020, charge-sheet has already been filed and due to COVID-19 pandemic, conclusion of trial is likely to take some time, therefore, he prays to release the applicants on bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned counsel for the parties.
7. Taking into consideration the fact that there is no allegation of cruelty and demand of dowry against the applicants and the only allegation against the applicants is that they used to comment the deceased that the articles which she had brought in dowry are local and duplicate, and further considering the fact that on

similar set of evidence, the co-ordinate bench of this High Court has already released co-accused on bail and due to COVID-19 pandemic, conclusion of the trial is likely to take some time, the applicants are in jail since 11/08/2020 and there is no likelihood of the applicants tampering with the evidence or absconding, without commenting anything on merits of the case, I am inclined to allow this bail application.

8. Accordingly, the application is allowed.
9. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.50,000/- with one surety each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:
 - (i) They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
 - (ii) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
 - (iv) they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand canceled without further reference to this Court.

Sd/-
(Gautam Chourdiya)
Vacation Judge