

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1917 of 2021**

- Vinod Kumar Kashyap S/o Late Tiharuram Aged About 31 Years R/o Rahod, Ward No. 08, P.S. Shivrinarayan, District-Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through District- Magistrate, District-Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Ashutosh Trivedi, Advocate.
For Respondent/State	:	Mr. Samir Uraon, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****18.03.2021**

1. Heard.
2. Admit.
3. The accused/applicant has moved this **Second bail application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 361/2019 registered at Police Station - Shivrinarayan, District Janjgir-Champa (C.G.) for the offence punishable under Sections 304(B) & 498(A) of the IPC.
4. The first bail application of the applicant was dismissed as withdrawn on 20.03.2020 passed in MCRC No. 871/2020 and a liberty was given to the counsel for the applicant to file the same after examination of material witnesses.
5. As per the prosecution case, the marriage of the applicant and deceased was solemnized on 01.05.2018. After some time of marriage, the applicant started subjecting cruelty and harassing her on demand of dowry. The applicant used to

have conflicts on the same issue at different occasions. On 17.07.2019 the applicant set fire on her.

6. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. Referring to Annexure A/3, he would further submit that father of the deceased (PW-2), mother of the deceased (PW-3) & brother of the deceased (PW-4) have been examined before the trial Court and they have not supported the prosecution case. The applicant is in jail since 14.10.2019 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.
7. Per contra, State counsel opposes the bail application.
8. I have heard learned counsel for the parties and perused the case diary.
9. Taking into consideration the nature and gravity of the offence, statements of the prosecution witnesses before the trial Court, detention period of the applicant and 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.
10. 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**

V/-