

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4576 of 2021**

- Shekhar Dewangan S/o Shri Chandrika Prasad Dewangan Aged About 30 Years, R/o Sadar Road, Arang, Tahsil- Arang, District- Raipur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through: Station House Officer, Police Station- Arang, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sakib Ahmad, Adv. on behalf of Mr. Rahim Ubwani, Advocate.
For Respondent/State	:	Ms. Subha Shrivastava, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****27/08/2021**

1. 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. 38/2020 registered at Police Station - Arang, District - Raipur (C.G.) for the offence punishable under Section 304-B/34 of the IPC.
2. On 09.06.2020, the first bail application of the applicant was dismissed as withdrawn with liberty to renew the same after examination of material witnesses.
3. As per the prosecution case, wife of the applicant committed suicide after consuming poison. It is alleged that the deceased was harassed for demand of motor cycle and cash of Rs. 2,00,000/- as dowry.
4. 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 after perusal of order sheet,

the trial Court framed the charges under Section 304-B/34 in alternate under Section 306/34 of IPC against the accused. He next submits that deceased has not uttered anything incriminating against the applicant in her suicidal note. He also submits that the applicant is in jail since 16.01.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

5. On the other hand, counsel for the State opposes the bail application and submits that the applicant tortured the deceased in cruel manner as a result of which she took such extreme step of suicide, therefore, the applicant may not be released on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and situation of the case, taking into consideration the suicidal note and that the applicant is in custody since 16.01.2020, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
8. 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**