

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6289 of 2021

1. Bhupendra Sahu S/o Mr. Govindram Sahu Aged About 32 Years
R/o Ward No. 7, Salihapara, Bhanupratappur, P. S. And Tehsil
Bhanupratappur North Bastar Kanker (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh Through The Police Station
Bhanupratappur, District Kanker (C.G.).

---- Non-Applicant

For Applicant	: Mr. Raza Ali, Advocate.
For Non-Applicant/State	: Mr. Rahim Ubwami, P.L.
For Objector:	: Mr. Rajkumar Pali, Advocate.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

20/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 02/08/2021 in connection with Crime No. 239/2020 registered at Police Station Bhanupratappur District Kanker (C.G.) for the offence punishable under Sections 498-A, 506(B), 377, 34 of Indian Penal Code and Section 4 of Dowry Prohibition Act.
- 2) As per the prosecution case, complainant was engaged to Bhupendra Sahu on 14.12.2018 and thereafter the marriage took place on 19.4.2019. It is alleged that soon after the marriage the applicant alongwith other co-accused persons demanded four wheeler and Rs. 5 Lacs cash from the complainant and upon her failure to satisfy the demand she was subjected to cruelty including unnatural sex by the husband/ present applicant.
- 3) Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question. He submits that no demand as alleged by the complainant was ever made by the applicant. He submits that the applicant is in jail since 02/08/2021, charge sheet has already been filed, there is no apprehension of the applicant tampering with the evidence or absconding and conclusion of trial is likely to take some time for its disposal due to COVID-19 Pandemic and that co-accused persons namely Govind Ram Sahu (father-in-law) and Smt. Lalita Sahu (mother-in-law) in this case have already granted anticipatory bail by the Co-ordinate Bench of this Court passed in MCRCA 56/2021 vide order date 10/03/2021. Therefore, the applicant be released on bail on ground of parity.

- 4) On the other hand, learned counsel for the State as well as counsel for the Objector opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the nature of allegation made against the applicant, charge sheet has already been filed, the detention period of the applicant who is 32 years old, the fact that the co-accused persons namely Govind Ram Sahu (father-in-law) and Smt. Lalita Sahu (mother-in-law) in this case have already granted anticipatory bail by the Co-ordinate Bench of this Court and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. It is directed that in the event of the applicant executing a personal **bond** for a sum of **Rs. 2,00,000/-** with two sureties of Rs. 1,00,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on the following conditions:-
 - i. he 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. he shall not act in any manner which will be prejudicial to fair and expeditious trial,
- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,
- iv. he shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
- v. he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant