

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6930 of 2020**

- S. Paresh Rao S/o Dharma Rao, Aged About 35 Years R/o House No. 369, Adarash Nagar, Ward No. 19, Kumhari, Durg, District - Durg Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer Kumhari Durg, District - Durg Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. T.K. Jha, Advocate.
For Respondent/State:	:	Mr. Sameer Sharma, Dy. G.A.
For Objector	:	Mr. Aman Pandey, Advocate.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16.07.2021**

The applicant has filed **Second Bail Application** under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 139/2019 registered at Police Station: Kumhari, District Durg (C.G.) for the offence punishable under Section 304-B/34 of the IPC.

The First bail application of the applicant was dismissed as withdrawn on 19.06.2020 passed in MCRC No. 944/2020 however, liberty was given to the applicant to revive the same after examination of material witnesses.

In this case the appellant is husband of the deceased. As per the prosecution case, the allegation against the present

applicant is that he used to torture and harass the deceased both mentally and physically for demand of dowry, consequently, she committed suicide by hanging herself.

Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He next contended that in the suicide note of the deceased nothing has been mentioned against the applicant about the demand of dowry or about any harassment. He next contended that first bail application of the applicant was dismissed as withdrawn on 19.06.2020 with liberty to file the same after examination of material witnesses and about 1 year has been passed but no progress has been made in the trial. Health condition of the applicant is not good and he is undergoing treatment at Dr. B.R. Ambedkar, Memorial Hospital Raipur (C.G.). The applicant is in jail since 16.10.2019 and he is ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by the Court, therefore, the present applicant may be released on bail.

Per contra, learned State counsel as well as counsel for the Objector opposes the bail application.

I have heard learned counsel for the parties and perused the case diary.

Considering the totality of the facts and circumstances of the case, nature of allegation, detention period of the applicant, I am of the opinion that present is a fit case to release the applicant on bail.

Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.

It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs. 25,000/- with one local surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.

**Sd/-
(Rajani Dubey)
Judge**

V/-