

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7355 of 2021**

- Santosh Sahu, S/o Kamlesh Sahu, aged about 25 years, R/o Gram Badsara, Police Station & Tehsil Bhaiyathan, District Surajpur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through : P.S. Jhilmili, District Surajpur (C.G.) (wrongly mentioned as Bhaiyathan in order sheet)

---- Respondent

For Applicant	:	Mr. Maneesh Sharma, Adv.
For Respondent	:	Mr. Anurag Verma, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****01/11/2021**

1. The applicant has preferred this **First** bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.135/2020, registered at Police Station – Jhilmili, District Surajpur (C.G.) (**wrongly mentioned as Bhaiyathan in order sheet**) for the offence punishable under Sections 302, 498(A), 294, 506, 323, 34 of IPC.
2. The prosecution story, in brief, is that on 22.12.2020 at about 9.30 pm, present applicant along with his parents tortured the complainant, wife of the applicant, for demand of dowry and also assaulted her with hands and fist. It is further alleged that during scuffle, father of the applicant and the applicant himself snatched one month's baby from the hands of the complainant and threw her on the floor, as a result of which one month's baby died. Based on this, offence has been registered. The present applicant has been taken into custody on 23.12.2020.
3. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the case. He further submits that the main allegation is against other co-accused persons as Sushila (PW/1), complainant and wife of the applicant, has herself admitted in examination-in-chief that her mother-in-law and father-in-law snatched her one month's baby and threw her on floor resulting into her death. He also submits that there is no eye-witness to the incident and mother of deceased (PW/1) has not supported the case of the prosecution. It is next submitted that the applicant is in custody since 23.12.2020 and there is no likelihood of his case being decided in near future, therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, and further considering the fact that Sushila (PW/1), mother of deceased and wife of applicant, has not supported the prosecution case, and further considering the fact that the applicant is in custody since 23.12.2020, this Court is of the opinion that prima-facie, a strong case for grant of bail has been made out.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge