

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8259 of 2020**

- Yogeshwar Dhruv, S/o Late Shri Ram Dayal Dhruv, Aged About 30 Years, R/o Village - Koshmi, District – Gariyaband, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through - Station House Officer, Police Station - Mainpur District - Gariyaband Chhattisgarh.

---- Respondent

For Applicant	: Mr. Kamlesh Kumar Pandey, Adv.
For Respondent/State	: Mr. R.K. Sahu, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****18.02.2021**

1. The accused/applicant has moved this **second bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 80/2019 registered at Police Station- Mainpur District - Gariyaband, (C.G.) for the offence punishable under Sections 306, 34 of IPC.
2. Earlier, the first bail application of the applicant was dismissed as withdrawn vide order dated 23.01.2020 passed in MCRC No. 7812/2019 by this Court.
3. Deceased is the wife of the applicant and the allegation against the applicant is that he used to torture her in the name of dowry due to that being harassed, she committed suicide. Based on this offence has been registered against the applicant and he has been taken into custody on 05.11.2019.
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 there is general allegation against the applicant and other co-accused has been granted

bail. It is submitted that the applicant is in jail since 05.11.2019., 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 the submission made in this respect. It is submitted that the offence committed by the present applicant is of serious in nature, therefore, no case is made out for grant of bail.
6. I have heard learned counsel for the parties and perused the record.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the detention period of the applicant and 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.
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

Ruchi