

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8424 of 2021

1. Ajeet Diwakar, S/o Sangatram, Aged About 23 Years,

2. Sangatram, S/o Muniram, Aged About 50 Years,

Both are R/o Village Gidhour, Police Station Urga, Tahsil-
Kartala, District – Korba, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh, Through- Station House Officer, Police of
Police Station -Uagra, District-Korba, Chhattisgarh.

---- Non-Applicant

For Applicants	:	Shri Anant Bajpai, Applicant
For Non-Applicant/State	:	Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

26.11.2021

Heard.

- 1) First bail application of the applicants was dismissed as withdrawn by this Court vide order dated 04.08.2021 in MCRC No. 5118 of 2018.
- 2) The applicants have preferred this Second Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 24.06.2021 in connection with Crime No.162/2021, registered at Police Station- Urga, District- Korba (C.G.) for the offence punishable under Sections 304-B, 34 of IPC.
- 3) At the outset, learned counsel appearing for the applicant Ajit Diwakar seeks to withdraw this application.
- 4) Accordingly, the bail application insofar as it relates to applicant No.1 Ajeet Diwakar is dismissed as withdrawn.

- 5) Learned counsel for the applicant Sangatram submits that the applicant has been falsely implicated in the crime in question. He further submits that no specific allegations against the applicant is made out, the entire allegations of assault and harassment regarding demand of dowry is against applicant No.1 Ajeet Diwakar. The applicant Sangatram has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 24.06.2021, charge-sheet has already been filed and trial is likely to take some time for disposal. Therefore, the applicant Sangatram be released on bail by this Court.
- 6) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
- 7) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, no specific allegation against the applicant Sangatram is made regarding demand of dowry or commission of cruelty, it was applicant No.1 Ajeet Diwakar, who demanded motorcycle & assault made upon the deceased in connection with demand of dowry, charge-sheet has already been filed, the fact that the applicant Sangatram has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without commenting anything on merits of the case, the application on behalf of Applicant No. 2 Sangatram is allowed.
- 8) It is directed that in the event of the applicant No.2 Sangatram executing a personal bond for a sum of **Rs.1,00,000/-** with two sureties of **Rs. 50,000/-** each to the satisfaction of the concerned trial Court, he shall be released on bail, on 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, and

(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 Government/State Government/Local Authority,

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.

In the result: the bail application insofar as it relates to applicant No. 1 Ajeet Diwakar is dismissed as withdrawn and the bail application insofar as it relates to applicant No.2 Sangatram is allowed.

Sd/-
(Gautam Chourdiya)
Judge

Nadim