

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 10 of 2021**

- Dharmendra Rajput, S/o Khorbahara Rajput, Aged About 30 Years, R/o Village- Pawarjali, Police Station- Kunda, District- Kabirdham (C.G.).

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Kunda, District- Kabirdham (C.G.).

---- Respondent

For Applicant	: Mr. Malay Shrivastava, Adv.
For Respondent/State	: Mr. R.K. Sahu, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25.02.2021**

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. 68/2020 registered at Police Station- Kunda, District- Kabirdham, (C.G.) for the offence punishable under Sections 306, 201/34 of IPC.
2. Earlier, the first bail application of the applicant was dismissed as withdrawn vide order dated 01.09.2020 passed in MCRC No. 5852/2020 by this Court.
3. It is the case of the prosecution that wife of the applicant committed suicide by setting herself ablaze. Based on this offence has been registered against the applicant and he has been taken into custody on 26.05.2020.
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 the deceased in her dying declaration, admitted the fact that she set herself on fire. It is submitted that the applicant is in jail since 26.05.2020., 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 deceased was subjected to cruelty due to which, she committed suicide and 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 dying declaration of the deceased and the applicant is in jail since 26.05.2020 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