

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6305 of 2015

Jakir Khan @ Tej Khan, S/o. Late Munna Khan, Aged About 23 Years,
R/o. Near Mahamaya I.T.I. Ashok Nagar Sarkanda, P.S. Sarkanda
Bilaspur, Civil And Revenue District Bilaspur (Chhattisgarh) .

---- Applicant

Versus

State Of Chhattisgarh, Through : The Police Station Sarkanda, District
Bilaspur (Chhattisgarh) .

---- Respondent

For Applicant : Mr. P.K.Tulsyan, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

For Objector : Mr. S.S.Baghel, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.416/2015 registered at Police Station- Sarkanda, District Bilaspur (C.G.) for the offence punishable under Sections 498(A), 323/34 of Indian Penal Code.
2. As per the prosecution case, in brief, the applicant who is husband of the complainant Reshma has committed marpeet and subjected her to cruelty for demand of dowry and therefore the case was registered and the applicant was arrested on 14.10.2015.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case as after the marriage the complainant could not go alongwith the applicant and therefore both the parties have lodged the cases. He further submits that

the applicant is in jail since 14.10.2015 and the offence is triable by the JMFC; therefore, he may be enlarged on bail.

4. Per contra, learned State counsel and learned counsel for the Objector opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the level of allegation and taking into fact that the applicant is in jail since 14.10.2015 and the offence is triable by the JMFC, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge