

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5854 of 2015

Tapan Aadile S/o Dharamlal Aadile Aged About 26 Years R/o Aadile Chowk, Purani Basti, Tahsil Town, Civil & Revenue District Korba Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through The Station House Officer, Police Station Kotwali, Civil & Revenue District Korba Chhattisgarh

---- Respondent

For Applicant	:-	Shri M.D. Dhote, Advocate
For Respondent/ State	:-	Ms. Sunita Jain, Panel Lawyer,

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

04/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.398 /2015 registered at Police Station- Kotwali, District Korba (C.G.) for the offence punishable under Sections 498 A, 506 and 377/34 of the Indian Penal Code.
2. Case of the prosecution, is that the applicant was married to complainant Archana on 24.05.2015 and she stayed in her in laws house up to 15.07.2015, she was harassed in view of demand of Rs. 1,00,000/- by her husband and the other family members. It is alleged that at the point of knife applicant committed unnatural anal intercourse with the wife.
3. Counsel for the applicant submits that all the offences are triable by the Magistrate and the offence was registered by the complainant on 02.07.2015, when the wife was examined and she

was stated to be pregnant and consequently, it resulted into filing of the false complainant case against the applicant.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the statement of the wife and the allegations have also been levelled of unnatural intercourse with the wife and the manner in which the offence has been committed by the applicant, it would not be appropriate at this juncture to appreciate the statement and thereby extend the benefit of bail to the applicant at this stage. Therefore, I am not inclined to release the applicant on bail at this stage.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed, applicant would at liberty to file the bail application after filing of the charge sheet.

Sd/-
(Goutam Bhaduri)
Judge