

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7146 of 2015

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

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Kotwali, Civil And Revenue Distt. Korba, Chhattisgarh

---- Respondent

For Applicant : Mr. M.D.Dhote, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/12/2015

1. This is the second 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.398/2015, registered at Police Station– Kotwali, District Korba (C.G.) for the offence punishable under Section 498-A, 506 & 377/34 of IPC.
2. Case of the prosecution, in brief, 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. Learned 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 complaint case against the applicant. He further submits

that the earlier bail application was dismissed on 04.11.2015 with liberty to repeat the same after filing of the charge sheet. He submits that the charge sheet has been filed and therefore, the applicant may be released on bail.

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. Having regard to the facts and circumstances of the case and considering the statement, without any observation on merit, since it appears that the investigation is complete and the applicant is in jail since 02.10.2015, the offences are triable by JMFC, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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