

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 4853 OF 2015**

Khorbahara Yadav, son of Shri Dukoud Yadav, aged 70 years, R/o Village Deori, P.S. Seepat, District Bilaspur (Chhattisgarh)

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station Seepat, District Bilaspur (CG)

---Non-applicant

For Applicant	:	Mr. Devesh Chandra Verma, Advocate
For Non-applicant/State	:	Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate
For Objector	:	Mr. Jitendra Shrivastava, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****16/09/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 182/15, registered at Police Station Seepat District Bilaspur (C.G.), for the offence punishable under Section 498-A/34 of the I.P.C.

2. Case of the prosecution, in brief, is that, on 26/08/2015 present applicant and two other co-accused persons assaulted complainant Smt. Yogeshwari Yadav in connection with demand of dowry by which she suffered grievous injury and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that present applicant is father-in-law of the

complainant and there is no allegation of assault except provoking by other co-accused persons to the complainant. He would lastly submit that applicant is in jail since 28/08/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State and learned counsel for the objector would oppose the bail application and submit that main allegation is against husband Manoj Yadav and brother-in-law Rupendra Yadav who have assaulted complainant by wooden stick, hands and fists and also poured kerosene oil on the body of complainant.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant being father-in-law, aged about 70 years and pretrial detention of the applicant, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular 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 furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE