

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5370 of 2015**

1. Manoj Yadav, son of Shri Khorbahara Yadav, aged 39 years,
2. Rupendra Yadav, son of Shri Khorbahara Yadav, aged 35 years,

Both R/o Village Deori, P.S. Seepat, District Bilaspur (C.G.)

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer,
Police Station Seepat, District Bilaspur (C.G.)

---- Non-applicant

For Applicant:	Mr. Devesh Chandra Verma, Advocate.
For Respondent/State:	Mr. Vivek Singhal, Panel Lawyer.
For Objector:	Mr. Jitendra Shrivastava, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****06/10/2015**

Heard.

(1) The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No.182/2015 registered at Police Station Seepat, District Bilaspur for the offence punishable under Section 498-A/34 of Indian Penal Code.

(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 injuries and thereby

committed aforesaid offences.

(3) Counsel for the applicants submits that the applicants have been falsely implicated in the offence in question as they have not committed any offence. He further submits that the applicants are the husband and brother-in-law of the deceased and the similarly situated co-accused Khorbahara Yadav has already been released on bail by this Court in M.Cr.C. No.4853/2015 and the applicants are in jail since 28.08.2015 and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State as well as Objector would submit that the applicants have brutally assaulted the complainant, by which she suffered grievous injuries and they also tried to set fire after pouring kerosene oil on her body and the incriminating article have been seized from their possession and, therefore, the applicants are not entitled to be released on bail

(5) So far as the bail application with regard to applicant No. 1 is concerned, looking to the material collected by the prosecution against him and the manner in which applicant No. 1 is said to have brutally assaulted complainant on 26.08.2015, I am not inclined to release him on bail. Therefore, bail application of applicant No. 1- **Manoj Yadav** is rejected.

(6) So far as bail application of applicant No. 2 is concerned, considering the facts that he is brother-in-law of the complainant; and there is general and omnibus allegations against him; he is in jail since 28.08.2015 and the fact that similarly situated co-accused has already been released on bail by this Court in M.Cr.C. No. 4853/2015; this court is of the view that it is a fit case

to release the applicant No. 2-Rupendra Yadav on bail.
Accordingly, the bail application is allowed.

(6) Accused/applicant -**Rupendra Yadav** is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one 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 till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-