

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C No. 5572 of 2015**

1. Ravi Kumar S/o Lachchhan, Aged About 22 Years,
2. Lachchhan S/o Bukaru, Aged About 42 Years,
3. Smt. Rekha W/o Lachchhan, Aged About 40 Years,

All are R/o Village Jaitpur, P. S. Masturi, District Bilaspur,
Chhattisgarh

Applicants

Versus

Station House Officer Through: The Station House Officer,
Out Post Malhar, Police Station Masturi, District Bilaspur,
Chhattisgarh

---- Non-applicant

For Applicants: Shri Shivang Dubey, Advocate.
For Non-Applicant/State: Shri Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

13/10/2015

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.305/2015 registered at Police Station Out Post Malhar, Masturi, District Bilaspur (C.G.) for the offences punishable under Sections 498-A, 294 & 323/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicants

assaulted Smt. Surpita Jangde, wife of applicant No. 2 and treated her with cruelty in connection with demand of dowry, by which she suffered simple injuries and thereby committed the aforesaid offences.

(3) Counsel for the applicants submits that there is family dispute between the parties and, as such, it cannot be treated as cruelty. He further submits the there is delay in lodging the First Information Report; applicants are in jail since 28.09.2015 and the charge sheet is yet to be filed but substantial investigation has already been made and, therefore, the applicants may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts and circumstances of the case; further considering the role of the present applicants in the offence in question, and their pre-trial detention; this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

(6) Accused/applicants are directed to be released on bail on each of them 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. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

