

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2757 of 2016**

Rajesh Manjare, son of Tularam Manjare, aged about 23 years, resident of Parsada Survanshi Mohalla, Near Naya Talab Bodri, Parsada, Police Station Chakarbhata, Civil and Revenue District Bilaspur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through: Police Station Chakarbhata, Civil and Revenue District Bilaspur (C.G.)

---- Non-applicant

For Applicant: Mr. Sunil Otwani, Advocate.
For Non-applicant/State: Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09/06/2016**

Heard.

(1) This is the first application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicant who is in jail since 22.04.2016 in connection with Crime No. 133/2016 registered at Police Station-Chakarbhata, Distt. Bilaspur (C.G.), for the offence punishable under Sections 498-A & 325 of the Indian Penal Code.

(2) Allegation against the present applicant is that the present applicant has subjected the complainant to cruelty and torture in connection with demand of dowry, pursuant to which written report was lodged on 12.04.2016 at Police Station Chakarbhata, and on the basis of which FIR was lodged on 22.04.2016, in which the applicant was arrested on 22.04.2016 itself.

(3) Counsel for the applicant submits that it is the case where marriage of applicant was solemnized with the complainant in the years 2012 and from 2012 till 12.04.2016 there is no single complaint whatsoever lodged by the complainant either before any police station or any of the local body at any point of time. He further submits that the applicant has been falsely implicated in the offence in question only because of the fact that complainant does not want to reside at her matrimonial home, which has led the complainant to file complaint and, therefore, he may be released on bail. He further submits that the statement of the complainant also reflects of the fact that the present applicant was staying with the complainant at her parents place for quite some time. It is only when he left for his parental home all the dispute arose.

(4) On the other hand, counsel for the State opposes the prayer for grant of bail and submits that matter is still under

investigation and there is written report lodged by the complainant against the present applicant of having assaulted her on 12.04.2016 by which the complainant suffered grievous injuries and therefore applicant is not entitled to be released on bail.

(5) Taking into consideration the entire facts & circumstances of the case, more particularly the fact that there is no complaint whatsoever by the complainant for a period of five years i.e. from 2012 to 2016 regarding any cruelty or demand of dowry, this Court is of the opinion that the present is a fit case where the applicant can be enlarged on bail.

(6) Accused/applicant -**Rajesh Manjare** is directed to be released on bail on his executing a personal bond in the sum of Rs.20,000/- 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/-
(**P.Sam Koshy**)

V. Judge

D/-