

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1140 of 2016**

Sant Yogeshwar, aged about 25 years, S/o Shri Lakhan Lal, R/o Village Dongariya Kala, Police Station Pandatarai, District Kabirdham (CG)

---Applicant

Versus

State of Chhattisgarh, Through--SHO Police Station Pandatarai, Civil & Revenue District Kabirdham (CG)

---Non-applicant

For Applicant	:	Mr. Atanu Ghosh, Advocate
For Non-applicant	:	Mr. Adhiraj Surana, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

14/03/2016

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.78/2015, registered at Police Station-Pandatarai, District-Kabirdham (CG), for the offence punishable under Sections 498A, 294 and 494 of the IPC.

2. Case of the prosecution, in brief, is that marriage of the complainant was solemnized with the applicant on 19.4.2012 and immediately thereafter the applicant harassing her by demanding dowry and thereby subjected her to cruelty.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that co-accused have been released on bail by a co-ordinate Bench of this Court vide

order dated 20.1.2016 in M.Cr.C.No.78 of 2016, the applicant is in jail since 19.10.2015 and there is chance of compromise between husband and wife, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

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

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant, his pre-trial detention and considering the chance of compromise between husband and wife, this Court is of the opinion that present is a 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 the 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.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-