

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 389 OF 2016**

Roman Lal S/o Devaram Sahu, aged about 25 years R/o Village Kapsi, Police out post Sanjari, Tahsil & Police Station Daundi Lohara, District Balod, Civil District Durg, Revenue District Balod, Chhattisgarh (P.S. wrongly mention in impugned order)

---Applicant**Versus**

The State of Chhattisgarh, through P.S. Daundi Lohara, Police out-post Sanjari, District Durg, Chhattisgarh. (P.S. wrongly mention in impugned order)

---Non-applicant

For Applicant	:	Mr. A.K. Prasad, Advocate
For Non-applicant	:	Mr. Dheeraj Kumar Wankhede, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****02/02/2016**

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. 297/15, registered at Police Station Daundi Lohara, District Balod, Chhattisgarh, for the offence punishable under Section 498-A/34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that marriage of Smt. Hemlata Sahu was solemnized with the applicant on 10/05/2014 and after some time, applicant started harassing her and treated her with cruelty and demanded dowry and has also contracted second marriage with Manisha Dhruw.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in crime in question. He would further submit that his wife does not want to stay along with applicant in the village and she unnecessarily doubting character of the applicant; she is not residing with the applicant and the applicant is in jail since 27/11/2015 and charge sheet has been filed. He would lastly submit that no useful purpose would be served by detaining the applicant in jail, as such, applicant deserves

to be released on bail. He placed reliance in the matter of **Arnesh Kumar v. State of Bihar** reported in **(2014) 8 SCC 273**.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that applicant has contracted second marriage with Manisha Dhruw and treated the complainant/victim with cruelty, as such, he is not entitled for regular bail.

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; dispute between husband and wife; role of the applicant in offence in question; pretrial detention of the applicant and charge sheet has already been filed, 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 concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari