

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7555 of 2015

1. Chandra Lal, S/o. Late Samay Lal Aged About 65 Years.
2. Smt. Madhubala Lal, W/o. Chandra Lal, Aged About 60 Years.
3. Ku. Priyadarshini Lal, D/o. Chandra Lal, Aged About 19 Years.

All R/o. Village Khapari, Police Thana And Tahsil Takhatpur, Distt. Bilaspur, Chhattisgarh, Civil And Revenue Distt. Bilaspur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Police Station Takhatpur, District Bilaspur
Chhattisgarh, Civil And Revenue Distt. Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Ashok Patil, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.01.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.178/2015, registered at Police Station– Takhatpur, District Bilaspur (C.G.) for the offence punishable under Section 323, 324, 294, 506-B, 307/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the complainant Malti Kurre was living in relation with one Samir for three years and on the date of incident on 26.06.2015 when Samir refused to take Malti to his house, she went to his house where she was assaulted by the applicants i.e. father, mother and sister of Samir; hence, the offence has been committed.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. He further submits that the

complainant has accepted the fact that she also made a report that Samir Lal was her husband and the dispute was a matrimonial dispute; consequently, the false allegations have been made. He further submits that the charge sheet has been filed and the applicants are in jail since 28.11.2015; therefore, they may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the statement of the witness and the complainant. Considering the way the offence as alleged has been committed; taking into the report that the complainant alleges to be the wife of Samir Lal; considering the degree of allegations and the fact that the charge sheet has been filed and the applicants are in jail since 28.11.2015, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge