

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5268 of 2016

- Firoz Mohammed Memon S/O Farid Mohammed Memon Aged About 31 Years R/O Village - Sohagpur, Thana - Uрга, Distt. Korba Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - District Magistrate, Police Station - Civil Line, Revenue / Civil Distt. Raipur Chhattisgarh

---- Respondent

For Applicant : Mr. Samir Singh, Advocate

For Respondent/State : Mrs. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07-09-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 9-8-2016 in connection with Crime No. 223 of 2015, registered at Police Station Civil Line, District Raipur (CG) for the offence punishable under Sections 498-A/34 and 377 of the IPC.
2. Case of the prosecution, in brief, is that on 5-4-2015 a report was made by complainant/wife Alisha Bano against her husband/applicant that she was subjected to cruelty and unnatural sex by the applicant.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case. Earlier also a report was filed against the applicant after the applicant sent Talaknama (divorce) informing his wife that divorce took place on

24-3-2015. It is further submitted that on earlier occasion also some dispute arose and on 20-3-2015 settlement was arrived at between the parties i.e., applicant/husband and complainant/wife, according to Annexure A/2, therefore, false allegations have been attributed to the present applicant. He would further submit that charge-sheet in this case has been filed, the applicant is in jail since 9-8-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant, considering the nature of dispute and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 9-8-2016, this court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju