

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5650 of 2016

Vikas Soni, S/o. Late Madan Soni, Aged About 22 Years, R/o. Mishra Gali, Surajpur Ward No.1, Police Station- Surajpur, District Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station- Dharasinwa, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. R.R.Soni, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.09.2016

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 in connection with Crime No.279/2015 registered at Police Station- Dharasinwa, District Raipur (C.G.) for the offence punishable under Section 498-A, 323 read with Section 34, 376 read with Section 109 and 506 Part-I read with Section 34 of Indian Penal Code.
2. As per the prosecution case, the victim Archana Soni was married to the present applicant on 01.12.2014 and subsequently she was subjected to cruelty and the complainant filed a domestic case for domestic violence, thereafter, the compromise was affected and the complainant & applicant started living together, but again the disturbance started and during such period, the complainant was also sexually abused and rape was committed by one Tripal @ Kripal Ram with the help of the present applicant and other co-accused namely Aarti Soni & Sonam Lahre and video recording of same was also made; thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and out of the matrimonial dispute the incident has happened which has been exaggerated. He further submits that though it is alleged that the applicant has recorded video of sexual harassment made by one Tripal @ Kripal Ram, but nothing has been seized by the police, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and taking into fact the nature of allegation against the applicant who is husband, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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/-
(Goutam Bhaduri)
Judge