

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7048 of 2016

1. Sudarshan Kaushik, aged about 22 years, S/o. Bharat Kaushik, R/o. Village- Chhanta-Jha, Police Station Kawardha, District – Kabirdham (C.G.)
2. Bharat Kaushik, S/o. Sarju Kaushik, aged about 50 years, R/o. Village- Chhanta – Jha, Police Station Kawardha, District Kabirdham (C.G.)

----Applicants

Versus

1. The State of Chhattisgarh, Through : Station House Officer, Police Station – Kawardha, District – Kabirdham (C.G.)

---- Respondent

For Applicants	: Mr. Devesh Chandra Verma, Advocate
For Respondent/State	: Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/11/2016

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 applicants who have been arrested in connection with Crime No.304/2016, registered at Police Station – Kawardha, District – Kabirdham (C.G.) for the offence punishable under Section 498-A, 328, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by Panna Bai Kaushik that she was married to the applicant No.1, Sudarshan Kaushik 3 years prior to the incident. Subsequently after some time of marriage, she was subjected to cruelty for demand of

dowry and on 01.08.2016, the applicants by force administered poison to the complainant, Panna Bai. Thereby the offence has been committed.

3. Learned counsel for the applicants submits that the applicant has been falsely implicated in this case and there is no evidence to show that the applicant has administered poison. He further submits that charge sheet also do not contain any chemical analysis report to show any poison was administered on the complainant and only bald allegation has been levelled against the applicant, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Out of the wedlock of complainant and the applicant No.1, one child was also born. In this case charge-sheet do not contain any chemical analysis report at present. Taking into the facts and circumstances of the case, further considering the fact that charge-sheet in this case has been filed and the applicants are in jail since 02.09.2016, this Court is of the opinion that present is a fit case, in which, the applicants 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 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

Balram