

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7207 of 2016

Amish Parvej, S/o. Ahmad Khan, Aged About 38 Years, R/o. Village Fooljhar, Police Station Somani, Tahsil & District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through S.H.O. Somani, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Hemant Gupta, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22.11.2016

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.170/2016 registered at Police Station- Somani, District Rajanadgaon (C.G.) for the offence punishable under Section 354, 384, 342, 323, 506 & 294 / 34 of Indian Penal Code.
2. As per the prosecution case, a report was made by the victim who is Ex-wife of the present applicant that on 19.10.2016 the complainant was asked to come to the farm house, at that time, she was assaulted and the applicant tried to outrage her modesty and further demanded Rs.2 Lakhs from the complainant and threat was extended that in case the amount is not paid, her children will be killed.
3. Learned counsel for the applicant would submit that the complainant and the applicant were husband & wife and a decree of divorce was passed in between the parties and false allegations

have been attributed against the present applicant over the visitor right of the children, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and she would submit that the investigation is still going on.
5. Perused the case diary and documents. Considering the fact that the charge sheet has not been filed as the investigation is still going on and further taking into the statement and the medical report, I am not inclined to release the applicant on bail at this stage.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge