

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7153 of 2016

1. Mahesh Kumar Nirmalkar, S/o. Shri Dhaniram Nirmalkar, aged about 25 years,
2. Ganesh Kumar Nirmalkar, S/o. Shri Dhaniram Nirmalkar, aged about 27 years,
3. Dhaniram Nirmalkar, S/o. Shri Bhagwati Nirmalkar, aged about 55 years,
4. Dinesh Nirmalkar, S/o. Dhaniram Nirmalkar, aged about 30 years.

All are R/o. Village-Deorikhurd, Police Station Torwa, Tahsil and District – Bilaspur (C.G.)

----Applicants

Versus

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

---- Respondent

For Applicants	: Mr. Shashi Kumar Kushwaha, Advocate
For Respondent/State	: Ms. Sunita Jain, 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.282/2016, registered at Police Station – Torwa, District – Bilaspur (C.G.) for the offence punishable under Section 498-A/ 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that Subhasini Bai, wife of the

wife of applicant No.1, Mahesh Kumar Nirmalkar lodged a report that the applicant No.1, who is the husband, the applicant No.2 who is brother-in-law, applicant No.3, who is father-in-law and applicant No.4, who is brother-in-law of the complainant along with other family members used to treat the complainant with cruelty for demand of dowry. Thereby the offence has been committed.

3. Learned counsel for the applicants submits that the applicant has been falsely implicated in this case and general allegations has been attributed against the applicants. He further submits that charge-sheet in this case has been filed and no further investigation is required and the applicants are in jail since 05.10.2016, therefore, the counsel prays that the applicants 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 statement of the victim, Subhasini Nirmalkar. Considering the statement, wherein general and omnibus allegations have been made against the applicants and further taking into the fact that charge-sheet in this case has been filed and the applicants are in jail since 05.10.2016, 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