

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8196 of 2016

1. Rajesh Jatav S/o Ramsewak Jatav Aged About 43 Years R/o Pali, Police Station - Pali, District Korba Chhattisgarh
2. Ku. Kalpana Jatav S/o Ramsewak Jatav Aged About 37 Years R/o Pali, Tahsil & Police Station - Pali, District Korba Chhattisgarh

---- Petitioners

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Pali, District Korba Chhattisgarh

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21-12-2016

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 17-11-2016 in connection with Crime No. 172 of 2016, registered at Police Station Pali, District Korba (CG) for the offence punishable under Sections 498-A, 355, 325, 34 of the IPC.
2. Case of the prosecution, in brief, is that on 17-11-2016 a report was made by the complainant Archana Jatav, wife of applicant No.1 and sister-in-law of applicant No.2. She was married to applicant No.1 in the year 2003. It is alleged that she was not allowed to accompany her husband, in the month of May, 2016 she was assaulted and in the month of June 2016 her hair was cut and thereafter she was subjected to torture for demand of dowry and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case, in-fact, the

complainant does not want to reside with joint family and she wanted to reside separately which is the real cause. The applicants have not committed any offence and false allegations have been leveled against the them. He would further submit charge-sheet has been filed in this case, the applicants are in jail since 17-11-2016 and no further investigation is required, therefore, they 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, perused the case diary, other documents and the statement of the complainant. It appears that earlier also one dispute took place between the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the fact that charge-sheet in this case has been filed and the applicants are in jail since 17-11-2016, this court is inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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