

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 154 of 2017

Ashwani, S/o. Chhabidas, Aged About 32 Years, R/o. Village- Polami,
Police Station- Kukdur, Tahsil- Pandariya, Civil & Revenue District-
Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- D.M. Kabirdham, Civil & Revenue
District- Kabirdham, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dinesh Tiwari, Advocate

For Respondent : Mr. U.K.S.Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/01/2017

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.84/2016 registered at Police Station- Kukdur, District Kabirdham (C.G.) for the offence punishable under Section 498(A), 34 of Indian Penal Code.
2. As per the prosecution case, on 18.03.2016 a report was made by the wife of the applicant Pooja that the applicant after marriage used to torture the wife for demand of dowry and assaulted her by hand & fist, which resulted into abortion. Thereby, the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and only on the trivial dispute, the report was made. He further submits that the charge sheet has been filed and no further investigation is necessary, 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 statement of the witnesses including the statement of the complainant Pooja. Taking into such statements and the nature of allegation and further considering the fact that the charge sheet has been filed and the applicant is in jail since 29.12.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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