

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1490 of 2017

- Rajendra Gajbhiye S/o Tarachand Gajbhiye, Aged About 35 Years (Cashier In Mahindra Finance) R/o J - 433 Janta Colony, Police Station Gudhiyari, Tahsil & District Raipur Chhattisgarh

---- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station Gudhiyari, Raipur, District Raipur Chhattisgarh

---- **Respondent**

For Applicant : Mr. C.R. Sahu, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21-03-2017

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 on 14-2-2017 in connection with Crime No. 262 of 2016, registered at Police Station Gudhiyari, Raipur (CG) for the offence punishable under Section 498-A/34 of IPC and Section 4 of Dowry Prohibition Act.
2. As per prosecution case, on 18-5-2015 a report was made by one Manisha Gajbhiye that she was married to Rajendra Gajbhiye on 28-4-2013 and thereafter when she joined her matrimonial home, she was subjected to torture for demand of dowry by the applicant including and other in-laws. It is alleged that the applicant used to cause mental cruelty and she was forced to take non-vegetarian food though she is completely vegetarian. It is alleged that demand of Rs.10 lakhs was made by the present applicant and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the report was made on 18-5-2015 and thereafter an application under Section 9 of

the Hindu Marriage Act was filed by the wife but no restitution has taken place and only general and omnibus allegations have been leveled against the present applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 14-2-2017 and no further investigation is required, therefore, he 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 and other documents.
6. Perused the statement of victim Manisha Gajbhiye wherein general and omnibus allegations have been made against the applicant.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 14-2-2017, this court is inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju