

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3532 of 2017**

G. Jagan Mohan Rao son of G. Kalidas aged about 36 years resident of Panchsheel Nagar (West) BMU Charoda Tahsil Patan District Durg (CG)

Applicant

Versus

State of Chhattisgarh through Station House Officer Police Station Bhilai-3 District Durg (CG)

Respondent

For Applicant : Shri Shivendra Bhardwaj, Advocate.

For Respondent : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order On Board

14.06.2017

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.130/2017 registered at Police Station Bhilai-3, District Durg for the offence punishable under Sections 498-A, 34 of the IPC.
2. Case of the prosecution, in brief, is that, wife for the present applicant, namely, G. Dhanlaxmi is stated to have lodged a complaint on 24.4.2017 alleging ill-treatment, assault and cruelty on the part of the present applicant, resulting in registration of the FIR.
3. Learned counsel for the applicant submits that the present applicant has not committed any offence and he has been falsely implicated in the case. He further submits that present applicant is in detention since 25.4.2017 and he is an employee of the Electricity Board. He further submits that marriage between the present applicant and the complaint took place more than 12

years ago and she during the period of 12 years, has never made a complaint. He further submits that it is a case where the wife and the husband have been living separately for quite some time and during this said period, she did not file any complaint promptly and it is only in April-2017, she filed a complaint for the first time, and therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application on the ground that there are serious allegation of assault, ill-treatment and cruelty levelled against the present applicant and his elder brother by the complainant and there are also the allegation of abatement for commission of suicide by the complainant.
5. I have heard the counsel appearing for the parties.
6. Considering the totality of the facts and circumstances of the case, particularly, a duration of marriage between the applicant and the complainant and the first complaint being lodged after more than 12 years, in addition, taking note of the fact that the present applicant is an employee of the Electricity Board and also considering the fact that the applicant is in detention since 25.4.2017, this Court is of the opinion that present is the fit case, in which, the applicant 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 the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with two sureties in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge