

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3778 of 2017**

- Anand Jangde Son of Krishna Kumar Jangde, aged about 21 years, Resident Of Village Dindhora, Thana Hirri, Tahsil Bilha, Civil and Revenue District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through: Police Station Hirri, Civil and Revenue District Bilaspur (C.G.)

---- Respondent

For Applicant	: Shri Punit Ruparel, Advocate
For Respondent	: Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****19.7.2017**

Heard the matter finally.

2. 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.76/2017 registered in Police Station- Hirri District- Bilaspur (CG) for the offence punishable under Section 498 (a), 34 of the IPC.

3. Learned counsel for the applicant submits that the applicant has been arrested on 22.04.2017, after investigation, concerned police has filed charge sheet against four accused persons namely Pramila, Krishna Kumar, Reshma Bai and the present applicant,

which is pending consideration before Judicial Magistrate First Class, Bilha Dist-Bilaspur (C.G.). Three accused persons except the present applicant was granted bail by the trial Court. As per allegation, marriage was solemnized between the applicant and complainant on 22.02.2016 thereafter the applicant committed cruelty with the complainant and left her to her matrimonial house. Applicant is in custody since long and charge sheet has already been filed. Earlier against the applicant another crime No.258/17, for the offence punishable under Section 324 of IPC, has been registered, in which he has been granted bail by the concerned criminal Court; trial is likely to take some time for its conclusion and the applicant will not commit any offence in future, and, therefore, the applicant may be granted bail.

4. Per contra, learned counsel for the respondent/State opposes the arguments advanced on behalf the applicant and would submit that the applicant is the husband of complainant and he committed cruelty and physical violence with the complainant and ultimately she left the house of the applicant and went back to her matrimonial house where she has taken shelter of her parents; and also on 08.04.2017 when the complainant i.e. wife of the applicant was present to take part in a hearing pending before Family Court, in the Court premises the applicant assaulted her by knife. Hence, looking to the other criminal antecedents of the applicant, applicant is not entitled to be released on the bail.

5. Perused the entire material.

6. As the applicant is granted bail in the aforementioned matter by the Chief Judicial Magistrate, Bilaspur (C.G.) and in the present matter he is in custody since two months and twenty seven days; charge sheet has been filed; trial is likely to take some time for its conclusion; and three other co-accuses persons i.e. father, mother and grand-mother of the applicant was granted bail by the trial Court, on appreciation of entire material available on record, I am inclined to grant last opportunity to the applicant, so that he shall not commit any similar or other offence in future and shall remain peacefully in the Society.

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.50,000/- with two separate solvent sureties of Rs. 25,000/- to the satisfaction of Trial Court for his appearance before the said Court as and when directed.

9. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the

above, the Court below may proceed further under the provisions of law, under intimation.

10. In addition, the applicant is directed not to communicate/contact in any of the manner with the complainant/her family member/witnesses cited in the chargesheet or attempt to ask for any favour in the trial. If so the witnesses, family members and the complainant may report the said act to the trial Judge and if the trial judge finds that in any way the applicant gave pressure or any attempted for any illegal favour in the trial or otherwise directly or indirectly the bail granted to the applicant shall be cancelled without further reference to the bench and the concerned trial Court shall take the applicant in custody including other measures as provide under the law.

11. Registrar (Judi.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE