

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3804 of 2017**

- Suraj Gandharv S/o Rama Gandharv, Aged About 30 Years
Occupation Agriculturist, R/o Village Belhari, Police Station
Sahaspur Lohara, District Kabirdham, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station Sahaspur Lohara, District Kabirdham, Chhattisgarh

---- Respondent

For Applicant	: Shri Malay Shrivastava, Advocate
For Respondent/State	: Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****24.7.2017**

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.57/2017 registered in Police Station Sahaspur Lohara, District Kabirdham (CG) for the offence punishable under Sections 498-A and 307 of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act, 1961.

3. Learned counsel for the applicant submits that applicant has been arrested on 15.3.2017, after investigation, concerned police has filed charge sheet which is pending before Additional Sessions Judge (FTC), Kabeerdham as Sessions Trial No.25/2017. Learned counsel for the applicant would submit that the victim is the wife of the applicant, their marriage was solemnized in the year 2010 and were blessed with a male child. As per the allegation, the applicant

committed cruelty also demanded dowry and assaulted the victim i.e. his wife. In the MLC of the victim, pain on neck and right chest also breathing problem were noticed. The victim remained in the Government Hospital, Kabeerdham from 13.3.2017 to 20.3.2017. In a query, the doctor opined that nature of the symptoms were fatal to life if not treated immediately. Learned counsel for the applicant would submit that he has been falsely implicated, he is in jail since long, there is no further complication was shown on the victim after her discharge from the hospital. He will not commit any offence in future, he may be enlarged on bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of applicant and would submit that on 13.3.2017, the applicant demanded Rs.20,000/- and when his wife denied for the same to take money from her parents, the applicant assaulted her. With this, her condition became critical, she was admitted in the hospital. Looking to the entire facts, instant bail application may be dismissed.

5. Perused the entire material.

6. The applicant is in custody for six months and nine days, his marriage with the victim was solemnized in the year 2010, a male child was born out of their wedlock, there is no material to demonstrate regarding any further complication with the wife of the applicant and she was discharged from the hospital on 20.3.2017.

7. On due consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that he shall not involve himself in any other crime and shall remain peacefully in the society.

8. Accordingly, the bail application filed on behalf of applicant under Section 439 of the Cr.P.C. is hereby allowed.

9. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- with one solvent surety of like sum amount to the satisfaction of Additional Sessions Judge (FTC), Kabeerdham for his appearance before the said Court as and when directed.

10. 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.

11. In addition, the applicant is directed not to communicate/contact in any of the manner with his wife Neha, witness and family members cited in the charge sheet or attempt to ask for any favour in the trial directly or indirectly. If so, the witnesses and the wife may report the said act to the trial Judge and if the trial Judge finds that in any way the applicant directly or indirectly gave pressure or any attempt for any illegal favour in the trial or otherwise, 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 provided under the law.

12. Registrar (Judl.) is directed to send a copy of this order to the concerned trial Judge.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE