

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4702 of 2017

- Kamlesh Das S/o Shri Punau Das Mahant, Aged About 25 Years
Caste- Mahant R/o Village- Pipara, Police Station Nawagarh, Civil &
Revenue District- Janjgir- Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: The Station House Officer, Police
Station -Saragaon, Civil & Revenue District- Janjgir- Champa,
Chhattisgarh.

---- Non-applicant

For Applicant : Shri P.M. Shriwas, Advocate.

For Non-applicant : Shri Surya Kant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

03.11.2017

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 87/2017 registered at Police Station – Saragaon, District – Janjgir-Champa (C.G.) for the offence punishable under Sections 294, 506, 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.
3. Case of the prosecution, in brief, is that marriage of the

Complainant namely Savitri Mahant was fixed with the present applicant Kamlesh Das, engagement ceremony was performed. During the distribution of the marriage card, the said applicant, his brother Mahesh Das, his mother Tara Bai and his Bhabhi Dhaneshwari Bai specifically told that unless Rs. 2,00,000/- and 10 Tola gold is given, the marriage would not be performed. Ultimately, the said Complainant given an application at Police Station – Saragaon where the FIR was lodged against the aforesaid 4 persons.

4. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in the case, therefore, he may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. The three accused persons namely Mahesh Das, Tara Bai and Dhaneshwari Bai are already on bail.

7. Looking to these circumstances and other facts of the case, looking to the nature of the offences registered against the applicant, looking to the punishments, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, applicant is in custody since 16.06.2017, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.

8. Consequently, the bail application is allowed.

9. It is directed that if the applicant furnishes one solvent surety for

a sum of Rs.10,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and will cooperate during the trial, he shall be released on bail.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE