

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5566 of 2017**

1. Rohit Kumar S/o Maniram Kurre Aged About 55 Years Caste-Satnami, R/o Village Badepadarmuda, Police Station And Tahsil Malkharauda, Civil And Revenue District Janjgir- Champa, Chhattisgarh.
2. Ratanbai W/o Rohit Kumar Kurre Aged About 52 Years Caste-Satnami, R/o Village Badepadarmuda, Police Station And Tahsil Malkharauda, Civil And Revenue District Janjgir- Champa, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through District Magistrate Janjgir, District Janjgir- Champa, Chhattisgarh, Through Police Station Malkharauda.

---- Respondent

AND**MCRC No. 5757 of 2017**

- Darasingh S/o Rohit Kumar Kurre, Aged About 28 Years R/o Village Badeparmuda, Civil And Revenue District Janjgir Champa Chhattisgarh (Wrongly Mentioned In The Impugned Order Annexure A/1 Page No. 5 Is Village Bade Paradmuda)

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Janjgir, District Janjgir Champa Chhattisgarh. (Through Police Station Malkharouda)

---- Respondent

 For Applicants : Shri Deepak Kumar Singh, Advocate
 For Respondent/State : Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

13.9.2017

As both the above mentioned bail applications arise out of same incident and Crime number, both are being heard and disposed of by a common order.

2. These are the bail applications filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with Crime No.108/2017 registered in Police Station Malkhaurda, Distt. Jangir-Champa (CG) for the offence punishable under Sections 498-A, 323, 34 of the Indian Penal Code.

3. Learned counsel for the applicants submits that the applicants have been arrested on 17.7.2017, after investigation charge sheet has been filed against all the three accused persons, which is presently pending before Judicial Magistrate First Class, Malkharoda as Criminal Case No.96/2017. The applicants are father-in-law, mother-in-law and husband of victim Sahodra Bai, whose marriage was solemnized with the applicant Dara Singh in the year 2014. Out of their wedlock one male child was born who is presently residing in the parental house. Learned counsel for the applicants submits that after the marriage, the applicants committed cruelty with the complainant for the sake of dowry and articles and also on the date of incident, applicant Dara Singh committed marpeet with said complainant who received injuries on her buttocks and lodged report against him. Though in the medical examination the doctor noticed no visible injury on the body of the complainant, but she complained pain over her buttocks. The applicants will not commit any offence in future and there is possibility of reconciliation between the parties. Hence they may be granted bail.

4. Per contra, learned counsel for the respondent/State opposed the arguments advanced on behalf of the applicants and submit that as applicant Dara Singh assaulted the complainant by club, caused internal injuries and also all the three applicants committed cruelty

for dowry and articles. Looking to the entire facts, both the bail applications may be dismissed.

5. Perused the entire material.

6. The applicants are in custody for one month and twenty seven days, charge sheet has been filed, the trial may take some time for its conclusion, the matter is triable by Judicial Magistrate First Class, earlier there was no any report against the applicants for the offence of cruelty or any other act. Also the applicants were never involved in any of the offence prior to the incident. On consideration of the entire facts, I am inclined to grant one last opportunity to the applicants so that they will not commit any offence in future and shall remain peacefully in the society.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

8. It is directed that the applicants shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- each with one solvent surety of like sum amount to the satisfaction of concerned trial Judge for their appearance before the said Court as and when directed.

9. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicants remain 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 applicants are directed not to communicate/contact in any of the manner with the complainant/victim Sahodra and witnesses cited in the charge sheet or attempt to ask for any favour in the trial directly or indirectly. However, the applicants may contact the complainant and her family members for the purpose of constructive reconciliation only to the extent the complainant and her family members permits. Otherwise, the witnesses and the complainant may report the said act to the trial Judge and if the trial Judge finds that in any way the applicants directly or indirectly gave pressure or any attempt for any illegal favour in the trial or otherwise, the bail granted to the applicants shall be cancelled without further reference to the Bench and the concerned trial Court shall take the applicants in custody including other measures as provided under the law.

12. Registrar (Judl.) is directed to send a copy of the order to the concerned trial Judge for compliance and information.

13. A copy of this order be kept in the record of MCRC No.5757/2017.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE