

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6219 of 2017

Pankaj Gangwani S/o Shri Ram Chand Gangwani Aged About
30 Years R/o 187 Kalani Nagar, Airport Road, Indore, District
Indore, Madhya Pradesh. **---- Applicant**

Versus

State of Chhattisgarh Through The Police Station Mahila
Thana, Raipur, Chhattisgarh. **---- Respondent**

For the applicant	:	Mr. B.P. Sharma with Mr. M.L. Sakat, Advocate.
For the State	:	Mr. Suryakant Mishra, Panel Lawyer.
For the objector	:	Mr. Sunil Otواني, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.11.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 28/2017 registered at P.S. Mahila Thana, Raipur for the offence punishable u/ss 498-A, 506 read with section 34 and section 377 of the IPC.
2. As per the prosecution case, a report was made by the girl/ wife of the applicant Smt. Reshma on 14.06.2017 that she was married to the present applicant on 10.03.2016 and thereafter she was subjected to torture for demand of dowry and was exposed to unnatural oral sex. It is also alleged that demand of Rs. 20 lakhs was made, consequently, the report was lodged.
3. Learned counsel for the applicant would submit that the complainant is suffering from severe diabetes and on a trivial dispute false report has been filed. He further refers to the

conciliation proceedings and submits that the applicant wanted to take back the complainant/wife but she did not accede to the same and the application for divorce was filed before the family court at Indore on 04.07.2017 after she refused to join the applicant. He further submits that the charge sheet has been filed, no further investigation is necessary and the applicant is in jail since 11.08.2017, therefore, no purpose will be served to keep the applicant in jail.

4. Per contra, learned State counsel as also the learned counsel for the objector oppose the bail and submit that after close proximity of the marriage, the report has been made which would show that she was subjected to cruelty.
5. Perused the case diary documents as also the statements and the conciliation report. The conciliation report would show that the parties have failed to settle the dispute. The medical report has not supported the case of prosecution qua the allegation of complainant wife.
6. Taking into consideration the nature of dispute between the parties as also the fact that the charge sheet has been filed, no further investigation is necessary and the applicant is stated to be in jail since 11.08.2017, I am inclined to allow this bail application.
7. Accordingly, this application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE