

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 2084 of 2018

1. Ganesh Ram S/o Shri Premlal Aged About 23 Years By Caste- Chandra, R/o- Village- Akalsara, Police Station- Baradwar, Tahsil- Jaijaipur, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. Premlal S/o Dilchand Aged About 43 Years By Caste- Chandra, R/o- Village- Akalsara, Police Station- Baradwar, Tahsil- Jaijaipur, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
3. Amrit Bai W/o Premlal Aged About 35 Years R/o- Village- Akalsara, Police Station- Baradwar, Tahsil- Jaijaipur, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- District Magistrate, Janjgir, District- Janjgir-Champa. Station House Officer, Police Station- Baradwar, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicants : Shri Rajesh Kumar Sharma,
Advocate.

For the Respondent/State : Ms. Smita Ghai, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01.05.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who have been arrested in connection with Crime No.75/2018, (wrongly mentioned as Crime No. (75/2017) registered at Police Station – Baradwar, District – Janjgir- Champa, (C.G), for the offences under Sections 498 A read with Section 34 of the Indian Penal Code.
2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case and they are in jail since 27.02.2018. No case is made out against them. The applicants are ready to abide by all the conditions which may be imposed while granting bail to the applicants, hence, it is prayed that they may be released on bail.
3. Learned counsel for the State opposes the bail application and submissions made in this respect.
4. Heard counsel for both the parties and perused the case diary.
5. As per the prosecution case, the marriage of complainant - (Kamleshwari) was performed with applicant No.1 on 21.04.2015, because of some dispute the complainant left her matrimonial home and took shelter in her paternal home. After a long gap of time on 27.03.2017 a written complaint was given by her in the concerned police station making allegations regarding demand of dowry and subjecting her to cruel treatment against these applicants. On the basis of that complaint FIR has been lodged against these applicants. Hence, this case.
6. Considered the submissions made, contents of the case diary and also keeping in view the judgment of Supreme Court in case of **Arnesh Kumar vs. State of Bihar** reported in **(2014) 8 SCC 273**,

and **Rajesh Sharma Vs. State of Uttar Pradesh and Ors** reported in **(2017) 8 SCALE 313**. Hence, this bail application is allowed.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

Jamal