

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 2188 of 2018

- Shivaji Sonkamble S/o Doulat Ram Sonkamble Aged About 41 Years R/o- Acc Labour Camp, Lavekush Nagar, Jaamul, Ward No. 13, Police Station Jaamul, Tahsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Jaamul, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri P.P. Sahu with Shri S.P.Sahu, Advocates.
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For the Respondent/State	:	Shri Aditya Sharma, PL.
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Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09.05.2018.

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 has been arrested in connection with Crime No.277/2017 registered at Police Station –Jaamul, District –Durg, (C.G), for the offences under Section 450, 376, 506, 323 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case by the prosecutrix and he is in jail since 15.12.2017. There had been dispute between the present applicant and the prosecutrix regarding the partition of the land, as the applicant happens to be the elder brother of the deceased husband of the prosecutrix, because of which, quarrel had been taken place and false FIR has been lodged.

3. Learned counsel for the State opposes the bail application and submits that the prosecutrix has made a direct allegation against the present applicant, hence, he is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. The prosecutrix has lodged FIR against this applicant alleging that subsequent to her husband's death, this applicant approached her and by alluring with promise to marry her established physical relation on a number of occasions and, thereafter, he refused to marry her and he also has quarreled and assaulted her with club. Hence, the FIR was lodged.
6. Considered on the submissions made and contents of the case diary. It appears that this applicant himself is married as alleged, it is to be examined by the trial Court. The applicant is in detention since quite some time, after filing of the charge-sheet no purpose would be served, if the, applicant is kept in detention, till the completion of the trial, hence, this Court is of the opinion that this is a fit case, where the applicant is entitled for grant of bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd /-

(Rajendra Chandra Singh Samant)
Judge

Jamal