

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5091 of 2018

Vikas Yadav S/o Shri Rampratap Yadav Aged About 30 Years R/o Vinoba Nagar, Near Gayatri Mandir Police Station Tarbahar, Bilaspur Distt. Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Mahila Thana Bilaspur Distt. Bilaspur Chhattisgarh.

---- Respondent

For Applicants : Mr. P.K. Patel, Advocate

For Respondent : Mrs. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/08/2018

1. This is the first bail applications 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.14/2018, registered at Police Station- Mahila Thana, Bilaspur District – Bilaspur (C.G.) for the offence punishable under Section 498(A), 34, 323 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 24.04.2018. No case is made out against him according to the material present in the charge-sheet. Co-accused persons in this case have been enlarged on anticipatory bail by this Court. Hence, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Marriage of this applicant with the complainant, Shikha Yadav took place on 08.12.2016. It is alleged that subsequent to the marriage, complainant was subjected to torture and cruel treatment for demand of dowry on number of occasions because of which she was compelled to live separately in the same house and then she has lodged FIR.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case and also keeping in view the guidelines laid down by the Hon'ble Supreme Court in case of *Arnesh Kumar Vs. State of Bihar*, reported in (2014) 8 SCC 273, and *Rajesh Sharma & Ors. Vs. State of U.P. & Ors.* reported in 2017 (8) SCALE 313, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge