

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6133 of 2018

Tushar Tiwari S/o Late Triyogi Narayan Tiwari, aged about 33 years, by Caste-Bramhan, R/o Chandniyapara, Janjgir Ward No. 17, Tahsil- Janjgir, Distt. Janjgir-Champa (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station- Janjgir, Distt. Janjgir-Champa (C.G.).

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Respondent	:	Mr. Vivek Singhal, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

20/09/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 343/2018 registered at Police Station- Janjgir, Distt. Janjgir-Champa (C.G.) for the offence punishable under Section 498-A and 307 of the IPC.
2. As per prosecution story, the present applicant is husband of the complainant- Sweta Tiwari. Their marriage was solemnized in the year 2012 and they have 2 children. It is alleged that after marriage, the complainant was tortured by the applicant and his family members on demand of dowry. On 11/03/2018 too, the complainant was beaten by the present applicant and his mother. It is further alleged that her mother-in-law had caught hold her hand and his husband poured pesticide in her mouth. When she became unconscious, she was hospitalized. The bills of the hospital were also paid by the

complainant's father. After discharging from the hospital, the complainant went to the house of the applicant, where she found the lock on the door and since 26/03/2018, she is residing with her father. A written report was made by her on 14/06/2018. The applicant has been arrested on 18/07/2018.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the applicant is having illicit relation with another lady. On the date of incident i.e. 11/03/2018, the applicant and the complainant had quarreled on this matter and due to this, she herself consumed the poisons' substance. Initially, the police registered the offence under Section 498-A/34 of the IPC. He further submits that in the statement of the complainant recorded under Section 161 of the Cr.P.C, she has not stated anything against the present applicant that he gave her poison. Subsequently, an application under Section 97 and 98 of the Cr.P.C for custody of children was filed by her and she also made a fresh complaint against the present applicant. Later on, she lodged a written report on 14/06/2018. He further submits that the applicant is in custody since 18/07/2018 and the trial will likely to take some time, therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the incident happened on 11/03/2018 and the written complaint has been made on 14/06/2018 and further considering that

in the earlier statement of the complainant recorded under Section 161 of the Cr.P.C, she has not stated anything against the present applicant and the allegations have been made subsequently, without further commenting on merits of the case, I am inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge

Rahul