

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8283 of 2018

C. H. Shiva Nagraju (wrongly mentioned as Shivanag Raju) S/o Late
Suryanarayan Raju, Aged About 30 Years, R/o Roomi Nagar Sukma P. S.
and Tahsil Sukma District Sukma Chhattisgarh,

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station
Sukma District Sukma Chhattisgarh,

---- Respondent

For Applicant : Mr. Praveen Dhurandhar, Advocate
For Respondent : Mr. Sanjeev Pandey, Govt. Advocate

Hon'ble Shri Justice Vimla Singh Kapoor.

Order On Board

31/10/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicant who have been arrested in connection with Crime No. 18/2018 registered at Police Station- Sukma, District Sukma (C.G.) for the offence punishable under Sections 498-A, 313, 34 IPC.
2. As per prosecution case the accused/applicant was harassing his wife for dowry and that when she became pregnant, he forced her for undergoing abortion by administering some medicine mixing it in a cold drink.
3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the case. He submits that the applicant is in jail since 28.09.2018, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Considering the facts and circumstances of the case and the fact that the applicant is in jail since 28.09.2018 and further considering the fact that the co-accused being the mother of the accused herein has already been granted anticipatory bail vide order dated 06.09.2018 passed in MCRC(A) No. 980/2018, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants 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.

Sd/-
(Vimla Singh Kapoor)
Judge

Jyotishi/ Santosh