

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 718 of 2019**

- S. P. Rajkumar S/o Late Palani Appan Aged About 31 Years R/o Q. No. 3/A, Street No. 15, Hospital Sector, Bhilai, Tehsil And District Durg CG

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Durg District Durg Chhattisgarh

---- Respondent

For applicant	Mr. Shashank Thakur, Adv.
For non-applicant/State	Mrs. M. Asha, PL.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

18-3-2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 2/2019 registered in Mahila Thana, Distt. Durg (CG) for offence punishable under Section 498-A, 377, 34 of Indian Penal Code and Section 4 of Dowry Prohibition Act.
3. Perused the case diary.
4. Prosecution story in brief is that the prosecutrix now resides at Bhilai. Her marriage was solemnized with the applicant on 20-1-2017. After the marriage, the applicant, her mother in law and sister in law used to harass her on account of demand of dowry. The applicant took her nude photographs during her bath. He had carnal intercourse with her against the order of nature. Applicant and co-accused were demanding Rs. 25 lacs as dowry.
5. Counsel for the applicant argued that applicant and prosecutrix both are working in Bhilai Steel Plant as Dy. Manager. The applicant is innocent and has been falsely implicated. Hence he be released on bail.
6. On the other hand, the State Counsel opposed the bail application. He further submits that no criminal antecedent has been reported against applicant in the police case diary.
7. The prosecutrix had given an application to the concerned SHO on

10-12-2018.

8. As per alleged application dated 30-8-2018 Annexure A-2 of this bail application addressed to SHO, Mahila Police Thana, Bilai, given by the applicant, the behaviour of the prosecutrix was abnormal and he had apprehension that the prosecutrix will falsely implicate him and her mother.
9. As per Annexure A-3 of this bail application, during counseling the applicant had refused to keep her and complained about abnormal behaviour of the prosecutrix. The prosecutrix had stated that she wants to leave him.
10. As per Annexure A-4 dated 2-12-2018 of this bail application, information regarding non-cognizable offence, no compromise took place between applicant and the prosecutrix, the applicant did not keep her and wanted divorce.
11. As per Annexure A-5 dated 5-10-2018 of this bail application, the applicant has filed divorce petition against the prosecutrix before the Family Court Durg.
12. Looking to the above facts and circumstances of the case, and also looking to the fact that the prosecutrix has filed application dated 10-12-2018 after the events of Annexure A-2, A-3, A-4 and A-5 took place, the application is allowed. It is ordered that if the applicant furnishes two solvent sureties each for a sum of Rs. 25,000/- along with one personal bond of Rs. 50,000/- to the satisfaction of the trial Court concerned with the condition that he will not commit such type of offence in future, he be released on bail.
13. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge