

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1400 of 2019**

- Kishore Kumar S/o Shri Ghanshyam Ratre Aged About 28 Years R/o Village Khurud, Police Outpost Lavan, Police Station Kasdol, District Balodabazar, Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Kasdol, Police Outpost Lavan, Kasdol, District Balodabazar, Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Shri Shivang Dubey, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**02/05/2019**

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 507/2016, registered at Police Station – Kasdol, Police Outpost Lavan, District – Balodabazar-Bhatapara, (C.G.) for the offence punishable under Sections 307, 498 A of the IPC.
2. First bail application has been dismissed for want of prosecution vide order dated 07.02.2019 passed in MCRC No. 8573 of 2018.
3. As per the prosecution story, marriage between the Applicant and the Complainant was solemnized in the year 2015 and out of their wedlock, they have two children. Allegedly, after 2-3 months of the marriage, the Applicant and his family members had started harassing the Complainant for demand of dowry. When their demand was not

fulfilled, they have ousted the Complainant from her matrimonial house. After few months, the Applicant/husband took her back with him. Thereafter, Applicant and his family members again started harassing Complainant and she was asked to bring Rs. 4 lakh from her parents house. It was further alleged that on 27.09.2018, Applicant and his family members attempted to kill the Complainant by setting her ablaze after pouring kerosene, however, due to intervention of villagers, she was saved. At that time, father of the Complainant was also present there. When he tried to save Complainant, allegedly, Applicant also assaulted him and due to that he also sustained injuries. On the basis of the above background, offence has been registered. Applicant has been taken into custody on 28.09.2018.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case due to some dispute between him and his wife. He further submits that both the parties have entered into compromise and an affidavit have been submitted by Complainant/wife in Applicant's favour. Applicant is in custody since 28.09.2018, charge-sheet has been filed and trial is likely to take some time. Therefore, Applicant may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, the evidence

collected by the prosecution and further considering the fact that both the parties have settled their matter, Applicant is in custody since 28.09.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.

8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge