

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5436 of 2019

- Kawaljeet S/o Amarjeet Singh Aged About 31 Years R/o Himaliyan Hights, Block No. 12, Telibandha, Raipur, Police Station Telibandha, District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Takhatpur, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Ravindra Sharma, Advocate.
For Respondent	:	Mr. Jitendra Shukla, Panel Lawyer.
For Objector	:	Mr. Achyut Tiwari, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

03/10/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.228/2019 registered at Police Station–Takhatpur, District–Bilaspur(C.G.) for the offence punishable under Sections 498-A & 509-B/34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 26.07.2019. The applicant has not committed any offence. The complainant and the applicant have cordial relation. However, without any reason the complainant has left the company of the applicant and is residing with her parents. The applicant himself and his parents have

made the efforts to bring back the complainant but she has refused and thereafter the FIR has been lodged making false allegation. Charge-sheet has been filed, hence, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that serious allegations have been made by the complainant against the applicant, therefore, he is not entitled for grant of regular bail.
4. Learned counsel for Objector adopting the argument advanced by the counsel for State submits that the applicant has used very insulting and defamatory language in the social media against the complainant by posting her photograph. Apart from that the applicant is not a permanent resident of this State, therefore, he is granted bail he may be flee from justice.
5. Heard both the parties and perused the case diary.
6. According to prosecution case, this applicant and prosecutrix got married on 21.2.2016, subsequent to which the complainant was constantly subject to cruel treatment by beating and abusing her. Finally in April, 2014 this applicant and the in-laws of the complainant have driven the complainant out of her matrimonial home because of which she is living with her parents, thereafter the applicant and his parents came to bring back the complainant but she refused, hence, the applicant has posted very objectionable images in social media site 'Instagram' and the language of that is very insulting and defamatory.
7. Considering that the charge-sheet has been filed and the case is now pending for trial. Further, the complainant is living with her parents and after many efforts of the applicant to bring the complainant back but

she herself refused, therefore, I do not think that there is any need for continue detention of this applicant during the pendency of trial, therefore, I feel inclined to allow the application of this applicant.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on 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/-

(Rajendra Chandra Singh Samant)
Judge

Nisha