

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 9518 of 2018**

Lachchhiram Chouhan S/o Mansharam Chouhan Aged About 36 Years
Occupation- Private Job, R/o Kasaipali, Police Station- Jobi, Tahsil- Kharsia,
District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station-
Kharsia, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Kamlesh Kumar Pandey, Advocate.
For the Respondent/State	:	Ms. Madhunisha Singh, P.L.
For the Objector	:	Shri Sumit Verma, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.01.2019**

Heard.

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.735 of 2018, registered at Police Station – Kharsia, District – Raigarh, Chhattisgarh for the offence punishable under Section 384/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 30.10.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The complainant is the wife of this applicant and on her complaint, the applicant is facing the trial under Section 498A of the

IPC and subsequent to that only for the purpose of pressurizing the applicant, this false complaint has been made by her. Hence, for these reasons, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that serious allegation has been made by the complainant against this applicant regarding cruel treatment and regarding capturing objectionable photographs of the complainant which were made use of to threaten the complainant. Hence, the applicant is not entitled for grant of regular bail.

4. Learned counsel for the Objector adopts the arguments submitted by the State counsel and submits that the applicant used to administer intoxicating substance to the complainant and he had picturized her in his mobile phone in objectionable condition which has been made use of in the commission of this offence. Hence, the applicant is not entitled for grant of regular bail.

5. Heard counsel for both the parties and perused the case diary.

6. The complaint has been filed by complainant – Gayatri Chouhan against her husband and one co-accused person that after her marriage in the year 2017 her husband/ this applicant and in-laws were dissatisfied with dowry and started treating her with cruelty. Some objectionable photographs of the complainant are captured by this applicant and on this basis, co-accused – Om Prakash Kaivart made a threatening call to the maternal

uncle of the complainant that unless Rs.5,00,000/- is paid for the said photographs, the photographs shall be made viral in the social media. Hence, this case.

7. Considered the material present in the case-diary. The applicant has been in detention since two months and the charge-sheet has been filed in this case against him and there is no likelihood of his absconding and the conclusion of the trial is likely to take some time for its final disposal, I am of the view that the present is a fit case for grant of regular bail to the applicant.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge