

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 366 of 2020**

- Karan Singh Chadha S/o Shri Jitendra Singh Chadha Aged About 31 Years R/o 134, Shahid Bhagat Singh Society, J. B. Nagar, Near Talwarkar Gym, Andheri East, Mumbai Maharastra, District : Mumbai, Maharashtra.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Mahila Thana, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Adv.
For Respondent/State	:	Mr. Anil Tripathi, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****11/02/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 51/2018 registered at Police Station-Mahila Thana, District - Raipur (C.G.) for the offence punishable under Sections 498-A, 34, 377, 406 of the IPC and 3, 4 of Dowry Prohibition Act.
2. The prosecution story, in brief is that, on 08.12.2013 marriage between the applicant and the complainant was solemnized at J.B. Nagar Gurudwara, Andheri, (East-Mumbai) and since 3rd March 2015 the applicant and complainant was residing together at Nagpur and then due to their wedlock they are blessed with a daughter. Thereafter, the applicant suffered some loss in his business due to which, the complainant went to her parents' home because she was not able to travel with her husband, thereafter, in the month of December 2016 they celebrated their daughter's first

birthday at Mumbai where the parents of the applicant were residing but the complainant was not happy with the parents and other family members of the applicant, so, she returned to her parents' home and according to her on October 2017 applicant continuously sent money to the complainant for expenses of her and their daughter, on February 2018 the applicant visited the complainant's parents' home and stayed there for a week and according to the complainant the applicant at her parents' home had committed unnatural sex with her, then with the assurance to return soon, he went to his parents' house but since then he never came back and he has filed an application for Restitution of Conjugal Rights in the month of August 2018 at Family Court Bandra. The complainant later filed an application under Domestic Violence Act and a complaint also lodged on 28.12.2018 for the offence under section 498-A/34 of IPC. Based on this, offence has been registered against the present applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the complainant out of her own will started residing with her parents due to financial loss suffered by the applicant. He also submits that the only grievance of the complainant is that the applicant did not visit her in long time and the applicant moved an application for Restitution of Conjugal Rights. He next submits that the medical report of the complainant was normal and no proof as to commission of any unnatural sexual intercourse with the complainant. The applicant is in jail since 18.11.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the

offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the charge-sheet has been filed and the applicant is in jail since 18.11.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**