

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1036 of 2020**

- Deepak Tripathi S/o Brijbhushan Tripathi, Aged About 26 Years R/o Ashish Nagar (East), Street No. 7, Mill Para, Bhilai Durg, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, The Station House Officer, P.S. Mahila Thana, District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. T. K. Tiwari, Adv.
For Respondent/State	:	Mr. Sudeep Agrawal, Dy. A.G.
For Objector	:	Ms. Aparajita Gaikwad, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****29/05/2020**

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. 11/2020 registered at Police Station Mahila Thana, District-Durg (C.G.) for the offence punishable under Sections 498(A), 294, 506/34 of the IPC and 4 of the Dowry Prohibition Act.
2. The prosecution story, in brief is that, complainant Pratibha Singh has lodged a report that on 24.10.2019 she got married with the applicant, after some time of marriage complainant was harassed by the applicant and other family members for demand of dowry and threatened her. Based on this offence has been registered against the present applicant and other co-accused persons.

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 there is no prima-facie case against the present applicant. The applicant is in jail since 29.01.2020, 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 and submits that the allegation against the applicant is of serious in nature, therefore, no case is made out for grant of bail.
5. Learned counsel for the objector opposes the bail application with the submission that when the applicant was released on parole the applicant made threat to the complainant, if the applicant may be granted benefit of bail he will threat to the complainant, therefore, the applicant may not be granted bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. 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 offence is triable by Judicial Magistrate First Class and the present applicant is in jail since 29.01.2020 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, subject to following conditions:
 - That, the applicant will furnish a specific, undertaking that while on bail, he will not commit any offence, otherwise bail granted to him will be liable to be cancelled and shall co-operate the prosecution during trial.
 - That, the accused/applicant will make himself available

for interrogation before the concerned Investigating Officer as and when required and the accused/applicant will not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.

- That, the accused/applicant will not act, in any manner, which will be prejudicial to fair and expeditious trial.
- That, he will furnish 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**