

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5405 of 2020

- Prakash Dubey S/o Manideep Dubey, Aged About 28 Years, Occupation Business (Milk Dairy) R/o Patpariya P.S. Gandhinagar Tehsil Ambikapur District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, P.S. Gandhinagar, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant – Shri S.B. Pandey, Advocate.

For Non-applicant/State – Shri Dinesh Tiwari, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-10-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 07-07-2020 in connection with Crime No.225/2020 registered at Police Station - Gandhinagar, District Surguja, Chhattisgarh for the offence under Section 498 A, 323, 506, 34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The complainant in this case has made totally false allegations against the applicant regarding the demand of dowry, torture and beating, whereas, on the contrary she was not satisfied with the matrimonial relation, therefore, she has left the applicant and lodged this FIR. The applicant is in jail since 07-07-2020. Charge sheet has been filed after completion of the investigation. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the complainant has made serious allegations against the

applicant, therefore, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the documents.

5. The prosecutrix has lodged the FIR stating that the applicant is her husband who had on pretext of making demand of dowry tortured the complainant on several occasions mentally and physically in which she was beaten on number of occasions.

6. After considering on the submissions and the facts of the case and also that the case is now pending for trial and there is no requirement to keep the applicant continuously in custody, therefore, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge