

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4930 of 2020**

- Dilip Kumar Pandey, S/o Ambika Prasad Pandey, aged about 38 years, R/o Near Sahu Floor Mill, New Changorbhata Raipur, Police Station D.D. Nagar, Raipur Tehsil & District Raipur (C.G.)

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer Bemetara, District Bemetara, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Y.C. Sharma, Adv.
For Respondent	:	Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt Justice Rajani Dubey**Order on Board****26/08/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.351/2020, registered at Police Station – Bemetara, District Bemetara (C.G.) for the offence punishable under Sections 498-A, 34, 377 IPC.
2. The prosecution story, in brief, is that there was family dispute between the applicant and his wife. Owing to that, wife of the applicant had made complaint before Mahila Thana, and after various counsellings, the complainant (wife of the present applicant) started residing separately in the maternal house. The allegation against the present applicant is that he committed unnatural act with his wife saying that she has made police complaint against them and also demanded dowry. Based on this, the offence has been registered. The present applicant has been taken into custody on 20.07.2020.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that allegation of unnatural offence has been made against the present applicant even after three years of marriage and prior to that no such allegation has been made, which shows *melafide* intention of the complainant to falsely implicate the applicant in the crime in question. He also submits that in the present case, there is no report with regard to demand of dowry. It is also submitted that the applicant is in custody since 20.07.2020 and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, quality of evidence, nature of offence and further considering the fact that the preset applicant is in custody since 20.07.2020 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge