

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7538 of 2020

1. Saroj Kumar Gahine, S/o Sugandhchand Gahine (wrongly mentioned as Gahane), aged about 38 years.
2. Smt. Kamla Gahine, W/o Sugandhchand Gahine, aged about 52 years.

Both R/o village Shergarh, OP Jalbandha, PS Khairagarh, Dist. Rajnandgaon (CG).

---- Applicants

Versus

1. State Of Chhattisgarh Through Station House Officer, PS Khairagarh, Dist. Rajnandgaon (CG).

---- Respondent

For Applicants Mr. Aditya Bhardwaj, Advocate

For Respondent /State Ms Fouzia Mirza, Addl. Adv. General

(Proceedings through Video Conferencing)

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

9/11/2020

1. At the very outset, learned counsel for the applicants would submit that the default as pointed out by the office has been removed.
2. Learned counsel for the State would submit that the case diary is available.
3. The bail application is admitted for hearing.

4. With the consent of learned counsel for the parties, the bail application is heard finally.
5. The applicants have preferred this first bail application under Section 439 of CrPC, as they are arrested in connection with Crime No.309/2020, registered at Police Station Kahiragarh, District Rajnandgaon (CG), for the offence punishable under Sections 498-A, 323, 324, 342 & 506 read with Section 34 of the Indian Penal Code.
6. Complainant Bhuneshwari Gahine performed marriage with the applicant No.1 on 1-2-2019 by executing a notarised instrument at Rajnandgaon Court. She had lost her first husband in the year 2005. When she came to the house of the applicants and saw that the applicant No.1 has already married she started questioning whereafter she was subjected to cruelty by different means including throwing chilly powder on her private parts. It is also alleged that the applicant No.2, her mother-in-law, used to restrain her by locking the room in the house.
7. Learned counsel for the State, per contra, would oppose the bail application.
8. Considering the fact that the offences are triable by the Judicial Magistrate First Class; the applicants are in jail since 30-8-2020; and the charge sheet has already been filed, I am of the opinion that present is a fit case to release the applicants on regular bail.
9. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond for a sum of Rs.50,000/-

with one surety in the like amount to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

10. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri