

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1020 of 2021**

1. Suraj Kumar, S/o Chandramohan Malhotra, aged about 25 Years,
2. Yashoda Bai, W/o Chandramohan Malhotra, aged about 45 Years,

Both are R/o Village Kunwra, Presently Residing at Ward No. 07, Bramhanpara, Bemetara, Tahsil Bemetara, District Bemetara, Chhattisgarh.

----Applicants**Versus**

- State of Chhattisgarh, Through Station House Officer, Police of Police Station Bemetara, District Bemetara, Chhattisgarh.

----Non-applicant

For Applicants	Shri Anil Gulati, Advocate.
For State	Shri Vimlesh Bajpai, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****22/03/2021**

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No.29/2021 registered at Police Station- Bemetara, District Bemetara, C.G. for the offence punishable under Sections 498-A, 377, 313 read with 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that marriage between the applicant No.1 Suraj Kumar and the complainant Kamlesh Malhotra was solemnized on 15.06.2020. The allegation against the present applicants is that after the marriage, the present

applicants started harassing the complainant and torturing her physically for not bringing good items in her dowry and further demanded more money in dowry from her parents. In the month of September, 2020, when she got pregnant, applicants harassed her and tortured that she is hard of hearing and that her child would also be like her. The applicants caused her abortion by administering her certain medicines. On report being lodged to the above effect, the offence under the aforesaid sections have been registered against the applicants.

3. Learned counsel for the applicants submits that applicants are innocent persons and have been falsely implicated in this case. The applicants are in jail since 12.01.2021, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, the applicants be released on bail.
4. On the other hand, learned counsel for the State opposes the bail applications.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature of allegations leveled against the present applicants, charge sheet has already been filed, the detention period of the applicants, who are 25 & 45 years of age, the fact that the applicants have no criminal antecedents and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and conclusion of

trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the application is allowed. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

- (i) they shall 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 from disclosing such fact to the Court,
- (ii) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (iv) they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to this Court.

Sd/-
Gautam Chourdiya
Judge