

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.1641 of 2021

1. Kabir @ Kavidas, S/o Shri Meghabaran Ratre, Aged About 25 Years, Resident of Village Khatai, Police Station Nandghat, District Bemetara, Chhattisgarh
2. Mahendra, S/o Ramkumar Jangde, Aged About 32 Years, Resident of Village Risaamli, Police Station Nawagarh, District Bemetara, Chhattisgarh

---- Applicants

Versus

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

---- Respondent

MCRC No.1646 of 2021

- Meghavarani @ Meghu, S/o Shri Jaagrit Das, Aged About 45 Years, R/o Village Khatai Police Station Nandghat, District Bemetara, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicants	Mr. U. S. Chandel, Advocate
For Respondent-State	Mr. R. K. Bhagat, Dy. GA

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

21/05/2021

1. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.456/2020, registered at Police Station Nandghat, District Bemetara (CG), for the offence punishable under Sections 498-A, 376 (2) (f), 323, 506/34 of IPC and Sections 4, 5 & 6 of the Chhattisgarh Tonhi Pratarna Niwaran Adhiniyam, 2005.
2. The case of the prosecution, in brief, is that the applicants in MCRC No.1641/2021 detained the complainant, wife of applicant No.1, with cruelty and applicant in MCRC No.1646/2021 touched the private part of the complainant on the pretext of witchcraft and thereby committed the offence.
3. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have been falsely implicated in the crime in question. He would further submit that the applicants are in jail

since 01.01.2021 (applicants in MCRC No.1641/2021) and 05.01.2021 (applicant in MCRC No.1646/2021) i.e. for more than 4 and half months, the charge sheet has been filed and no custodial interrogation is required to be done and there are no chances of concluding the trial in near future, as the Courts are closed, therefore, the applicants may kindly be released on bail.

4. On the other hand, learned State counsel would oppose the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and further considering that the dispute is between husband and wife, the applicants are in jail since 01.01.2021 & 01.05.2021 i.e. for more than 4 and half months, charge sheet has already been filed and no custodial interrogation is required, I am inclined to release the applicants on bail.
7. Accordingly, both the bail applications are allowed. It is directed that the applicants

shall be released on bail on each of them
furnishing a personal bond for a sum of
Rs.25,000/- with one surety in the like sum to
the satisfaction of the concerned trial Court
for their appearance as and when directed.

Sd/-

Sanjay K. Agrawal
Vacation Judge

Nirala