

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1993 of 2021

- Kunal Giri Goswami S/o Rajendra Giri Goswami Aged About 38 Years
R/o Ward No. 08 Baihar, Police Station Baihar, District Balaghat
Madhya Pradesh., District : Balaghat, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Pandatarai, District Kabirdham Chhattisgarh.,

--Non-Applicant

For Applicant	:	Shri Awadh Tripathi, Advocate
For Non-Applicant/State	:	Shri Vaibhav Singh, P.L.
For Objector	:	Shri Anadi Sharma, Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

01.04.2021

1. The applicant has preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 18.2.2021(wrongly mentioned as 18.2.2020 in order sheet) in connection with Crime No.197/2020, registered at Police Station- Pandatarai, District Kabirdham (CG) for the offence punishable under Sections 294, 323/34, 344, 498-A, 506 of the IPC.
2. Case of the prosecution is that the complainant is wife of the applicant and she lodged a report that after her marriage with the applicant in the year 2018, the applicant tortured her mentally and physically on account of demand of dowry, upon which, her father and brother deposited a sum of Rs.3,00,000/- in the account of the applicant and his family members, but thereafter, again demand Rs.30 to 40 lakhs was made by the applicant and his family members and they tortured her.
3. Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question, he has not committed any offence. He further submits that the applicant has no criminal antecedent; the offences are triable by Magistrate and except the offence under Section 498A of the IPC all other offences are bailable. He submits that the amount of Rs.3,00,000/- was not deposited in the account of the applicant and his family members and it was deposited in the account of the complainant by her father and brother. He submits that interim protection has been granted to the applicant's father, mother and brother vide order dated 12.3.2021 in Special Leave to Appeal (Cri) No.2108/2021 by the Hon'ble Supreme Court until further orders and the applicant is ready to settle the matter. He submits that the applicant has been arrested on 18.2.2021 and trial is likely to take some time for its final disposal, therefore, the applicant be released on bail by this Court.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application, however, he submits that the applicant has no criminal antecedent.
5. Learned counsel for the Objector also vehemently opposed the bail application and submits that interim protection has been granted to the applicant's father, mother and brother as they were willing to settle the matter with the complainant, but now they are not ready to settle the matter.
6. The complainant- Shivani Goswami is present along with her father and she has been identified by her counsel. She has also raised objection in granting bail to the applicant. She stated that there is no possibility to settle the matter with the applicant and his family members.
7. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicant and the fact that the applicant has no criminal antecedent; the offence is triable by Magistrate and interim protection has been granted to the applicant's father, mother and brother by the Hon'ble Supreme Court vide order dated

12.3.2021 in Special Leave to Appeal (Cri) No.2108/2021; the matter relates to matrimonial dispute; the parties are not willing to settle the matter and conclusion of trial may take some time, the application is allowed. It is directed that in the event of the applicant 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, he shall be released on bail on the following conditions:-

- (a) he 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.
- (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (d) he shall not involve himself in any offence of similar nature in future.

Sd/-

(Gautam Chourdiya)
Judge

sunita