

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 5574 of 2021

- Vaibhav Waldekar son of Sanjay Waldekar, aged about 31 years, Caste-Mahar, resident of Kabir Nagar, Raipur, Avinash Ashiyana, House No. G-111, Kabir Nagar, Raipur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through : Station House Officer, Police Station – Baikunthpur, District Korea (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Goutam Khetrapal, Advocate
For Non-Applicant/State	:	Ms. Deepti Shukla, Panel Lawyer
For Objector/Complainant	:	Shri Pushkar Sinha, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

18.08.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 07.06.2021 in connection with Crime No. 96/2021 registered in Police Station- Baikunthpur, District Korea (CG) for the offence punishable under Sections 498-A, 377 of IPC.
2. As per prosecution case, the applicant being husband of complainant, subjected her to cruelty on account of demand of dowry and on failure to fulfill the demand, the applicant subjected the complainant with unnatural intercourse.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the applicant has never subjected the complainant to cruelty on account of demand of dowry and the allegation of unnatural intercourse against the applicant is totally incorrect. He further submits that there is no likelihood of the applicant tampering with

the prosecution evidence or absconding, he is in jail since 07.06.2021, charge-sheet has already been filed and due to Covid-19 pandemic, 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 as well as learned counsel for the objector/complainant oppose the bail application.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the nature of allegation made against the applicant, the dispute between the applicant and his wife was going on from the year 2016 to 2021, in between this period wife did not lodge the report against her husband and thereafter she lodged the F.I.R. lodged on 21.04.2021, the detention period of the applicant who is 31 years old, the fact that there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to covid-19 pandemic, charge-sheet has already been filed and due to Covid-19, conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
6. It is directed that in the event of applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on following conditions :-
 - i. 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/her from disclosing such fact to the Court.
 - ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - iv. he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.

v. he shall not involve himself in any offence of similar nature in future.

7. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving himself in similar nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

vatti