

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7442 of 2021**

- Dinesh Kaushal (Kaushik) S/o Late Pankuram, aged about 36 years, R/o, Sector-11, Ward No. 13, Khursipar Bhilai, District- Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Balod, District- Balod, (C.G.).

---- Non Applicant

---

For Applicant : Mr. Love Kumar Ramtake, Advocate

For Non Applicant/State : Mr. Avinash K. Mishra, G. A.

---

**Hon'ble Shri Justice Narendra Kumar Vyas****Order On Board****01.11.2021**

1. Heard
2. The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 08.09.2021 (as per arrest memo) in connection with Crime No. 216/2021 registered at Police Station Balod District- Balod (C.G.) for the offence punishable under Section 498-A, 377, 506/ 34 of Indian Penal Code.
3. The prosecution story, in brief, is that the complainant has filed a complaint before the Police Station Balod against the present applicant alleging that on 25.04.2018 the marriage was solemnized with the present applicant, after marriage her husband (present accused) and the family members of the present applicant tortured her because no amount has been given to them as dowry and the household items which were given are of inferior quality. She also alleged that her husband provoked her to do unnatural sex with him due to this torture, she made a complaint and on her complaint, the FIR bearing Crime No. 216/2021 has been registered for the offence punishable under Sections 498-A, 377, & 506/34 of IPC at the Police Station Balod District- Balod, Chhattisgarh. The applicant has been arrested on 08.09.2021.
4. Learned counsel for the applicant would submit that the present applicant

has been falsely been implicated in the present case and the charge-sheet has already been filed. He would also submit that there is no such medical evidence/report placed on record along with the final report for the commission of offence under Section 377 of IPC. He would further submit that the evidence collected by the prosecution is also not *prima facie* sufficient to hold the applicant guilty of the aforesaid offence. The applicant is in jail since 08.09.2021, therefore, he may be released on bail.

5. On the other hand, learned counsel for the respondent/State opposes the bail application of the present applicant.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, charge-sheet has already been filed, there is no such medical report in the final report with regard to commission of offence under Section 377 of IPC, the fact that the applicant is in jail since 08.09.2021 i.e. one month 23 days, and trial is likely to take some time for its final disposal, without commenting upon merits of the case 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/- to the satisfaction of the concerned Trial Court, he shall be released on bail on the 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 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 not involve himself in any offence of similar nature in future.

**Certified copy today itself**

Sd/-

**(Narendra Kumar Vyas)**  
Judge