

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7449 of 2021**

- Rohit Kumar Kenwat, aged about 27 years, Son of Gangaram Kenwat, Caste Kenwat, R/o. Village Pendri, Police Station and Tahsil Navagr, District Janjgir-Champa (C.G.).

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Navagarh, District- Janjgir-Champa (C.G.).

---- Non Applicant

For Applicant : Shri Vivek Singhal, Advocate

For Non Applicant/State : Mr. Sanjeev Agrawal, P. L.

Hon'ble Shri Justice Narendra Kumar Vyas**Order On Board****25.10.2021**

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 24.08.2021 in connection with Crime No. 329/2021 registered at Police Station Navagarh, District- Janjgir-Champa (C.G.) for the offence punishable under Section 498-A, 34 of Indian Penal Code.
3. The prosecution story, in brief, is that the complainant has filed a complaint before the Police Station Janjgir-Champa against the present applicant alleging that her husband (present accused) doubted on her character and assaulted (*Marpeet*) her and due to this torture she made an attempt to commit suicide by consuming poison on 16.08.2021. Thereafter, she was admitted at Community Health Centre Navagarh, hospital and after the treatment and recovery, she has filed the said complaint and on her complaint, the offence under Section 498-A, 34 of IPC has been registered by the Police Station Basantpur, District- Balrampur Ramanujganj (C.G.). The applicant has been arrested on 24.08.2021.
4. Learned counsel for the applicant would submit that the present applicant has been falsely been implicated in the present case and the offence is

triable by the Magistrate First Class. He would further submit that the evidence collected by the prosecution are also not *prima facie* sufficient to hold the applicant guilty of the aforesaid offence. The applicant is in jail since 24.08.2021, 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, the offence is triable by the Magistrate First Class, the maximum punishment for the said offence is three years and the applicant is in jail since 24.08.2021 i.e. two months one day, charge-sheet has already been filed 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 as per rules

Sd/-

(Narendra Kumar Vyas)
Judge