

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9269 of 2021

- Riyaz Ali S/o Late Shri Akbar Ali Aged About 45 Years R/o Near Masjid, Tatyapara District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Mahila Thana, Raipur District Raipur Chhattisgarh

--Non-Applicant

For Applicant	:	Shri Pragalbh Sharma, Advocate
For Non-Applicant/State	:	Shri Uddhaw Sharma, G.A.

Hon'ble Justice Shri Sanjay S. Agrawal

Order on Board

21.12.2021

1. This is the first bail application filed by the applicant under Section 439 of the Code of the Criminal Procedure, 1973 for grant of regular bail as he is in jail since 04.10.2021 in connection with Crime No. 57/2020, registered at Police Station- Mahila Thana, District Raipur(CG) for the offence punishable under Sections 498-A read with Section 34 of the IPC and Section 4 of the Muslim Women (Protection of Rights on Divorce) Act, 1986.
2. According to the prosecution, a written complaint was lodged by the wife of the applicant namely, Tasnim Fatima alleging, interalia, that her marriage was solemnized on 09.03.2017 and soon after her marriage, she was subjected to cruelty by the applicant and her in-laws in connection with demand of dowry and alleged further that the applicant has given divorce on 13.03.2019 by pronouncing "Talaq" to her. Based upon the said written complaint, an investigation was conducted and the concerned

Police has arrested the applicant on 04.10.2021 and the case has been registered for the offence as mentioned herein above.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in connection with the alleged crime. He further submits that the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the prosecution evidence or absconding. It is contended further that as the applicant is in jail since 04.10.2021 and trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail.
4. On the other hand, learned counsel appearing for the Non-Applicant/State opposes the bail application. He submits further based upon the information that the applicant has no criminal antecedents.
5. I have heard learned counsel for the parties and perused the charge sheet carefully.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and considering the detention period of the applicant and, the fact that the applicant has no criminal antecedents and there is no likelihood of him tampering with the evidence or absconding and that the conclusion of trial may take some time, without commenting anything on merits of the case, I am inclined to allow this application.
7. Accordingly, the bail application is allowed and it is directed that in the event of the applicant's executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.15,000/- 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/her 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.

Sd/-

(Sanjay S. Agrawal)
Judge

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