

(2018) 01 CHH CK 0108

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 4898 Of 2017

Bihari Lal Bandhe

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 09-01-2018

Acts Referred:

Indian Penal Code, 1860 — Section 312, 498A
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2018) 01 CHH CK 0108

Hon'ble Judges : P. Sam Koshy, J

Bench : Single Bench

Advocate : Rajesh Jain, M. Asha

Final Decision : Allowed

Judgement

P. Sam Koshy, J

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.313/2017 registered at Police Station

Pathariya, District Mungeli (C.G.) for the offence punishable under Sections 498-A & 312 of IPC.

2. Present applicant is in jail since 27/06/2017.

3. The allegation against the present applicant as per the prosecution case is that, the present applicant is said to have entered into the Chudi-Vivaah

with the complainant and subsequently, he is said to have chased her out of his house. Meanwhile, the complainant had got conceived from the present

applicant and subsequently at the behest of the present applicant who had given some medicine to the complainant on account of which she underwent

an abortion.

4. The counsel for the applicant submits that, the complainant in the instant case has been examined before the Court as PW/3 and on perusal of her statement, there does not appear to be any evidence to show that, she was ever married with the present applicant. On contrary, there is sufficient evidence itself that the complainant was infact already a married lady and that she continued to be the wife of her earlier husband though she was living separately and thus there is no possibility of the offence to have been committed by the present applicant.

5. The State counsel however opposing the bail application submits that, the nature of the allegation levelled against the present applicant seem to be quite serious and therefore prayed for rejecting the bail application.

6. Considering the facts and circumstances of the case, particularly, taking note of the evidence of the complainant, this Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.