

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 645 of 2015

Vikas Kumar Mahobiya S/o Shri Vijay Kumar Mahobiya Aged About 33 Years
Caste- Barai, Occupation Private Teacher, R/o Near Jain Mandir, Ward No.01,
Sadarline, P.S. And Tahsil Dongergaon, District Rajnandgaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: In-Charge, S.H.O. P.S. Dongergaon, District
Rajnandgaon, Chhattisgarh

---- Respondent

Shri Shailendra Dubey, counsel for the applicant/s.
Ms. Sunita Jain, Panel Lawyer for the State.

Order On Board

17/08/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.98/2015 registered at police station – Dongergaon, Distt. - Rajnandgaon, CG for alleged commission of offences under Section 498-A, 506-B/34 of IPC.

2. Prosecution case is that the applicant subjected his wife / complainant to cruelty in connection with demand of dowry and other valuables.

3. Learned counsel for the applicant submits that though there exists some dispute between the husband and the wife, the allegations have been exaggerated. He submits that the complainant has gone to her parental house along with applicant's daughter and the applicant had moved an application for restitution of conjugal rights before the Civil Court, the conciliation also failed and then the report has been lodged.

4. On the other hand, learned State counsel opposes the bail application and submits that as per the statement of the complainant, she was not only subjected to various demands but time and again, she was subjected to physical violence also and when the applicant did not mend his way, the complainant finally lodged

report.

5. Considering the submission of learned counsel for the parties, taking into consideration that the report has been lodged after about four years of marriage, there is no specific material of any physical violence or any injury found upon medical examination and taking into consideration that a civil dispute is also pending between the parties, the application is allowed.

6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that 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 facts to the Court or to any Police Officer.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
Judge