

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 654 of 2015

1. Jagmohan Rathore S/o Bharat Lal Rathore Aged About 42 years Occupation Service (Lecturer Gram Panchayat Khaira), R/o Singhansara, P.S. & Tahsil Sakti, District Janjgir Champa Chhattisgarh
2. Bharat Lal S/o Kushwa Ram Rathore Aged About 67 Years (Retired Rpf Railway Police) Pensioner R/o Singhansara, P.S. & Tahsil Sakti, District Janjgir Champa Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through : The District Magistrate, Janjgir Champa,
District Janjgir - Champa Chhattisgarh

---- Respondent

Shri Akhtar Hussain, counsel for the applicant/s.
Shri Manish Nigam, Panel Lawyer for the State.

Order On Board

31/07/2015

Heard.

The applicants are apprehending their arrest in connection with Crime No.170/15 registered at police station - Sakti, District – Janjgir-Champa, Chhattisgarh for alleged commission of offence under Section 498-A/34 and 323 of IPC.

2. After arguing for sometime, as this Court is not inclined to grant anticipatory bail to the applicant No.1, learned counsel for the applicant seeks to withdraw application of applicant no.1 with liberty to move application for grant of regular bail.

Accordingly, application of applicant – **Jagmohan Rathore** is dismissed as withdrawn with the aforesaid liberty.

3. As far as applicant No.2 is concerned, the allegations against him is that

while applicant no.1 / husband of the complainant was harassing her and subjected her to cruelty and assault, applicant no.2 is also alleged to have taunted her as to why she did not bring dowry from her parental house.

4. Learned counsel for the applicant submits that the applicant No.2 is not alleged to have indulged in physical violence but the allegations are only of taunting the complainant. He submits that applicant No.2 is aged and a retired person and his custodial interrogation is not necessary.

5. On the other hand, learned State counsel submits that applicant No.2 joined applicant no.1 in subjecting the complainant to cruelty.

6. Taking into consideration the nature of allegations, age of applicant No.2 and that there is no specific allegation of physical violence against him, the application is allowed.

7. It is directed that in the event of arrest of the applicant – **Bharat Lal** 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