

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 957 of 2015

Rajendra Kumar Mahant S/o Dhanidas Mahant Aged About 30 Years R/o Jaijaipur Ward No. 15, P. S. And Tahsil Jaijaipur, District - Janjgir - Champa (Chhattisgarh).

---- Applicant

Versus

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

---- Respondent

Shri Shailendra Dubey, counsel for the applicant/s.
Shri Wasim Miyan, Panel Lawyer for the State.
Shri Sunil Sahu, counsel for the complainant / objector.

Order On Board

06/10/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.157/15 registered at police station – Jaijaipur, District – Janjgir-Champa, CG for alleged commission of offences under Section 294, 506, 498-A/34 of IPC.

2. Case of the prosecution is that the applicant harassed and subjected his wife / complainant to cruelty.

3. Learned counsel for the applicant submits that there are certain disputes between the husband and the wife. The complainant / wife left the matrimonial house in the month of March, 2015. Thereafter, village meeting was held on 26/07/15, but when it did not materialize, FIR has been lodged against the applicant on 28/07/15. He submits that earlier, when the wife left the matrimonial house, apprehending that the applicant may be falsely implicated, an application was submitted by the applicant in the police station on 14/04/15.

4. On the other hand, learned counsel for the State and the objector submit that there are allegations of harassment and cruelty and the applicant is not prepared to bring back his wife to his house.

5. Taking into consideration the submission of learned counsel for the parties, the FIR has been lodged long after leaving the matrimonial house and failure of conciliation proceedings and also taking into consideration the submission of learned counsel for the applicant that the applicant shall make all endeavor to bring back to normalcy his matrimonial life, 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 by the arresting officer 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 with following further conditions that:

- (i) the applicant shall make himself available for interrogation by the police officer as and when required;
- (ii) the applicant 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;

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
Judge