

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 988 of 2015

Mohd. Imtiyaz S/o Late Shri Mohd. Iqbal Shekhani Aged About 26 Years (Wrongly Mention Iqbal Khenwani), R/o Rajmahal Ward No. 06, Kawardha, Police Station, Teshil Kabirdham, Civil And Revenue District Kabirdham (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Khairagarh, District Rajnandgaon, (Chhattisgarh).

---- Respondent

Shri UKS Chandel, counsel for the applicant/s.
Shri Vinod Tekam, Panel Lawyer for the State.

Order On Board

12/10/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.263/15 registered at police station – Khairagarh, District – Rajnandgaon, Chhattisgarh for alleged commission of offence under Section 498-A/34 of IPC.

2. Case of the prosecution, in brief, is that the applicant and other co-accused, in connection with demand of cash and other dowry items, subjected the complainant to harassment and cruelty.

3. Learned counsel for the applicant submits that the allegations are exaggerated. Long after filing of application under Section 125 CrPC and filing of application for restitution of conjugal rights before the Family Court, FIR has been lodged on 23/06/15.

4. On the other hand, learned State counsel opposes bail application and submits that most of the allegations are against the present applicant i.e. the husband of the complainant that he harassed and subjected his wife to cruelty.

5. Taking into consideration the submission of learned counsel for the parties,

taking into consideration the nature of allegations and material, the fact that the FIR has been lodged on 23/06/15 during pendency of proceedings under Section 125 CrPC at the instance of the complainant and proceedings of restitution of conjugal rights filed by the husband and pending before the Family Court, I am inclined to grant anticipatory bail to the applicant.

6. Accordingly, the application is allowed. 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 two local sureties 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