

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 795 of 2015

Abhay Singh Kshatri S/o Jagdish Singh Kshatri Aged About 31 Years R/o Navi
Mumbai, Koper Khedne, Mumbai (Maharashtra)

---- Applicant

Versus

State Of Chhattisgarh Through : The Station House Officer Police Station - Civil
Lines, Bilaspur, District Bilaspur Chhattisgarh

---- Respondent

Shri Gautam Khetrapal, counsel for the applicant/s.
Shri Vinod Tekam, Panel Lawyer for the State.

Order On Board

26/08/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.369/15 registered at police station – Civil Lines, Bilaspur, Distt. - Bilaspur, CG for alleged commission of offence under Section 498-A, 34 of IPC.

2. Prosecution case is that the applicant subjected his wife to cruelty and it is alleged that she was compelled to consume liquor with the applicant and demand of Rs.8 lakhs was also made.

3. Learned counsel for the applicant submits that the wife of the applicant resided with the applicant at Mumbai where the applicant was working and thereafter, due to certain disputes, she left the matrimonial house from Mumbai and came back to her parental house in the month of July, 2014. The applicant, thereafter, moved an application for Restitution of Conjugal Rights in which, the complainant entered appearance on 01/12/14 and also moved an application for grant of maintenance. After a long delay, FIR has been lodged on 27/05/15 on exaggerated grounds.

4. On the other hand, learned State counsel opposes the bail application and submits that according to the complainant, the applicant harassed and subjected

the complainant to cruelty. It is submitted that the complainant was compelled to consume liquor and she was assaulted by her husband. It is further submitted that a demand of Rs.8 lakhs was made and the complainant was sent back to her parental house.

5. Taking into consideration the submission of learned counsel for the parties, particularly that in connection with the incident which had taken place prior to 16/07/14 at Mumbai, no report was lodged before 27/05/15 and the intervening developments of applicant moving application for restitution of conjugal rights, I am inclined to grant 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 on his furnishing a personal bond in the sum of Rs.25,000/- 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**