

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 650 of 2015

Pushkar Sinha S/o K.N. Sinha Aged About 31 years Occupation - Advocacy, R/o Pankha Dafai, Haldibadi, Chirmiri, Police Station Bada Bazar, Chirmiri, Tahsil Khadgavan, District Korla Chhattisgarh Presently At Tikrapara, Near Mannu Chowk, Tahsil, Police Station City Kotwali, Tahsil & District Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Bilaspur District Bilaspur Chhattisgarh

---- Respondent

For Applicant	-	Shri Y.C. Sharma, Advocate
For Respondent/State	-	Ms. Sunita Jain, Panel Lawyer

Order On Board

31/07/2015

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.143/2015 registered at police station – City Kotwali, Bilaspur (C.G.) for alleged commission of offence under Section 498-A, 34 of IPC.
2. Prosecution case is that the complainant, after death of her husband, who is said to have committed suicide, has been harassed and subjected to cruelty by her in-laws and other members of family including the applicant. It has been alleged that the belongings property, valuable documents, cash, jewellery, and the possession of the house of her late husband, has been taken by the applicant and another accused and she is being harassed in many ways.
3. Learned counsel for the applicant argued that the complainant, only in order to recover the property and valuables belonging to her husband has lodged this report. According to him, the institution of criminal case is only an attempt to take possession of the property and other belongings of the deceased husband of the

complainant. Next submission is that in so far as the present applicant is concerned, the allegation is that he has taken possession of automobile along with other co-accused which is not being returned. The applicant, it is submitted, had been representing the other co-accused in various legal proceedings and litigation against the complainant and therefore, the complainant with intention to keep the applicant away from these proceedings has also involved him.

4. On the other hand, learned State counsel opposes prayer for grant of bail and submits that according to the material contained in the case diary, it has been alleged that the applicant and all other accused, after the death of the husband of the complainant, harassed her and the house properties, valuables automobile belonging to her husband has been kept by the applicants, which is not being returned to her and in this manner, she is being subjected to harassment.

5. Taking into consideration the background of the incident, particularly taking into consideration that all the allegations have surfaced only after the death of complainant's husband and all those allegations mostly relate to dispute with regard to movable and immovable property, the application is allowed.

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

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