

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C (A) No. 27 of 2016

Manoj Soni, S/o. Late Harikishan Soni, aged about 40 years, R/o. Sonar Para, P.S. City Kotwali, Rajnandgaon District Rajnandgaon (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Police Station incharge, Police Station City Kotwali, Rajnandgaon (C.G.)

---- Respondent

For Applicant	:-	Mr. Arvind Dubey, Advocate.
For Respondent/State	:-	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10/02/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 657/2015, registered at Police Station – City Kotwali, District – Rajnandgaon (C.G.) for offence punishable under Section 498-A/34, 323 of 354 of Indian Penal Code.

2. Case of the prosecution, in brief, is that the complainant Rajkumari was married to the applicant Manoj Soni on 04.06.2014 and she was subjected to torture by husband, mother in law and brother in law. The complainant was blessed with the child in the year 2015. On 22.09.2015, a dispute arose between them and she was also assaulted. Subsequently, the report was made on 22.09.2015 against the husband, mother in law and brother in law and the applicants tried to hang the complainant. Thereby, the offence is committed.

3. Counsel for the applicant submits that the marriage was solemnized on 04.06.2014, thereafter, no report in between them was made and all of sudden the dispute aggravated on the trivial issue. He further submits that the husband has also filed the petition under section 9 of the Hindu Marriage Act for restitution of conjugal right but the complainant do not want to join the company. He further submits that if the arrest is made then any chance of compromise shall be diminished. He further submits that taking the possibility of compromise the applicant may be given the benefit of anticipatory bail.

4. State counsel opposes the prayer for grant of anticipatory bail.

5. Perusal of the case diary and the statement of the complainant shows that the report was made on 22.09.2015 when the family members of the complainant went there and at that time scuffle took place between the family members of the complainant as also the applicant. Considering the general nature of allegation and the degree of offence, this Court is of the opinion, that prima-facie it is a fit case where the applicant can be extended the benefit of anticipatory bail.

6. Accordingly, the anticipatory bail application is allowed and 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 officer arresting him on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:-

(i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;

(ii) that 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/her from disclosing such facts to the Court or to any police officer;

(iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-

(Goutam Bhaduri)

JUDGE

Santosh