

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 530 of 2016**

- Nitin Kumar Sahu S/O Chhabiram Sahu Aged About 32 Years R/O. M.I.G. -5, Sector-4, Dindyal Upadhyay Nagar, Raipur, District Raipur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Ambagarh Chowki, District Rajnandgaon Chhattisgarh

---- Respondent

For Applicant : Mr. Y.C. Sharma, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****29-07-2016**

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 74 of 2016 registered at Police Station Ambagarh Chowki, District Rajnandgaon (CG) for offence punishable under Section 498-A/34 of the IPC.
2. Case of the prosecution, in brief, is that on 1-3-2016 a report was made that the applicant was married to complainant Smt. Pushpa Sahu on 7-12-2015 and immediately after marriage she was subjected to torture as demand of Rs.50 lakhs was further made by the applicant and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that after marriage the applicant came to know the extra marital affair of his wife and after knowing the same a case was filed before the Family Court, Raipur for declaration of nullity of the marriage on 25-1-2016 and after issuance of notice a complaint was filed by the complainant against the present applicant on 1-3-2016,

therefore considering the facts and circumstances of the case, present applicant may be extended the benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties and perused the case diary and documents along with the statement of the complainant.
6. Perused the document filed along with the bail petition which is a copy of the application for declaration of nullity of marriage wherein allegations have been made by the applicant about extra marital affair of his wife/complainant.
7. Considering the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that the applicant has filed a case before the Family Court for declaration of nullity of marriage before the complaint was made by the complainant, I am inclined to extend the benefit of anticipatory bail to the applicant.
8. 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 his executing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju