

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1312 of 2015

Lokesh Kuamr Sahu S/o Late Domar Singh Aged About 28 Years
R/o Ganpati Vihar Colony, New Changora Bhata, Tahsil, P.S. D.D.
Nagar, & Post Sundernagar, Civil & Rev. Distt. Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Though Police Station Mahila Thana Raipur,
Distt. Raipur, Chhattisgarh.

---- Respondent

For applicant – Shri Manoj Paranjpe, Advocate.
For Respondent/State – Shri Vivek Singhal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

14/01/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.39 of 2015, registered at Police Station Mahila Thana, Raipur, District Raipur (C.G) for offence punishable under Section 498A r/w Section 34 and Section 376 of Indian Penal Code, 1860.
2. According to the case of prosecution a report was made by wife of the applicant namely Kavita Goswami that after the marriage she has been subjected to torture. Consequently, case is registered.
3. Learned counsel for the applicant submits that initially applicant and the complainant had performed love marriage and the applicant was aged about 27 years and wife was aged about 37 years as such they were not accepted by the family members and consequently applicant started living in the flat of the wife. He further submits that after the marriage they could not go along as the applicant was subjected to torture by the wife. It is further submitted that for this report was made by husband to the police on 26/08/2015 and subsequently applicant also at a point of time left the

house for which wife lodged missing report that due to family dispute the husband has left the house. However, he came back, wife started living with the family members of the husband and thereafter also they could not go along and threat was extended that she will commit suicide and inculcate all the family members for which a report was made by family members of the applicant to the Police Station DD Nagar on 20/08/2015. Further the police did not take any cognizance as it was non-cognizable offence. Subsequently, false report has been made. It is case of torture by the wife to the husband, therefore false report has been made and the applicant may be granted benefit of anticipatory bail.

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

5. I have perused the case diary and the documents filed along with the application which shows that applicant has performed marriage with the complainant. Case diary also contains the same. Further statement of the complainant also perused. Perusal of the case diary and the complaint also statement of the husband applicant shows that there has been severe dispute in between the husband and wife for which husband also made complaint to the police and left the house at certain point of time. Taking into totality of the case, I am inclined to extend benefit of anticipatory bail to the applicant.

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 him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE