

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C (A) No. 35 of 2016

Mahendra Soni, S/o. Late Harikishan Soni, aged about 45 years, R/o. Sahdev Nagar, 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 Manoj Soni on 04.06.2014, thereafter, she was subjected to torture by the applicant and the allegation against the applicant is that the applicant tried to outrage the modesty of the complainant and used to torture alongwith the mother in law of the complainant.

3. Counsel for the applicant submits that the applicant was the brother in law of the complainant and he is residing separately. He further relies

on the lease agreement filed along-with the petition. He further submits that the applicant has been falsely implicated in this case and on the trivial issue the dispute arose between the husband and wife, therefore, the applicant may be given the benefit of anticipatory bail.

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

5. Perused the case diary and the statement shows that the report was made on 22.09.2015 and the marriage was solemnized on 04.06.2014. Considering the fact, prima-facie, it appease that the applicant is residing separately and the dispute arose between the husband and wife, 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