

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 52 of 2016

Harish Chandra Akash Patel (since other details are not mentioned in bail order it is furnished-age 24 years) son of late N.L. Patel, Student studying in the Maitri College of Dentistry and Research Center Anjora, Durg, District Durg (C.G) in the final year, resident of Indira Gandhi District Hospital Colony, Quarter No.18, Korba at his mother's residence Korba, Civil and Revenue Distt. Korba (C.G) ... **Applicant**

Vs.

State of Chhattisgarh, through Station House Officer, Police Station Durg, Civil and Revenue District Durg (C.G).

... **Respondent**

For the applicant	:	Mr. Janak Ram Verma, Advocate.
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.02.2016

1. Apprehending arrest in connection with Crime No.1007/2015 registered at Police Station Durg (C.G) for the offences punishable under sections 498(A) of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, the applicant is a final year student of B.D.S., and is studying in Dental College, Durg and he performed marriage with the complainant on 11.07.2013. After sometime of the marriage, a report was made by the wife on 19.11.2015 that she was subjected to torture. It is also alleged that he being unemployed, the money being sent by his mother is spent and certain incidents have been stated that she was subjected to torture.

3. Learned counsel for the applicant submits that the applicant is a student of final year BDS course and earlier after passing the entrance examination, counseling was done for admission in B.D.S., course. He further submits that only general allegations have been made against the applicant that he is unemployed and he rests on his mother for his expenses thereby and as such he was pursuing studies. He, therefore, prays that the applicant may be enlarged on anticipatory bail or otherwise his entire career would be spoiled and the chances of reconciliation would not be possible.
4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of conciliation wherein it appears that primary allegations have been made that the applicant has not been able to earn and the money being sent by his mother is spent and such other general allegations have been attributed.
6. Taking into such statement and the nature of allegations made against the applicant which are general in nature, I am inclined to extend the benefit of section 438 Cr.P.C., to the applicant.
7. Accordingly, the 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 sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-

- (i) that he shall make himself available for interrogation before the investigating 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/her from disclosing such facts to the Court or 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.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

Rao