

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. (A) No. 209 of 2016

Jogi Singh S/o Kuldeep Singh, aged about 31 years, R/o. House No. 33/1,
Ward No. 26, Santara Badi, Durg, Tahsil and District Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through - the Station House Officer, Police Station
– Kotwali, Durg District Durg (C.G.)

---- Respondent

For Applicant	:-	Mr. Jitendra Gupta, Advocate
For Respondent/State	:-	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09/03/2016

1. Apprehending arrest in connection with Crime No 93/2016 registered at Police Station- Kotwali, District Durg (C.G.) for the offence punishable under section 498(A) /34 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.

2. As per the prosecution case, in brief, is that the applicant was married to the complainant Sandeep Kour on 25.04.2005,thereafter, the report is made in the year 2015 that she was subjected to torture both mentally and physically by the husband. Thereby, the offence is committed.

3. Counsel for the applicant submits that the entire dispute arose because of the wife could not bear or adopt the child, however, the husband was subjected to torture by the family members of the wife, even,

there was assault made by the family members of the wife. He further submits that false allegations has been levelled against the applicant, therefore, the applicant may be given the benefit of anticipatory bail.

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

5. Perused the case diary and the statement of the wife as also the conciliation proceedings. Taking into the fact that the allegation of mental and physical cruelty has stated, further there is no such allegations have been levelled against this applicant. Taking into trivial nature of dispute, this Court is of the opinion that the present is the fit case, where the applicant should be enlarged on 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 them 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 them 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.

Sd/-

(Goutam Bhaduri)

JUDGE

Santosh