

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC(A) No. 432 of 2016**

Naveen Sahu S/o Shri Ram Prasad Sahu, Aged About 33 Years
Occupation Service, R/o Village Ranai, P.S. Patna, Tahsil
Baikunthpur, District Korla, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Patna, District Korla, Chhattisgarh.

---- Respondent

For applicant – Shri Pramod Verma, Sr. Advocate with Shri Syed Majid Ali,
Advocate.

For Respondent/State –Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri**Order****9/05/2016**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 44/2016 registered at Police Station Patna, District Korla (C.G.) for offence punishable under Section 498-A/34 of IPC.
2. As per the prosecution case the applicant was married to complainant Sandhya Sahu on 8/06/2003. Thereafter, out of the wedlock a child was born. Subsequently, it is alleged that applicant has caused cruelty to the wife and started living along with another girl and further wife was subjected to cruelty.
3. Learned counsel for the applicant submits that dispute arose between husband and wife and panchayat meeting was convened wherein no allegation of any torture or dowry was made and he would refer to Annexure A-3 which is dated 20/12/2014. He further submits that an application was filed by the husband for seeking divorce under Section 13 of the Hindu Marriage Act and present report is made.
4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the case diary and the statement as also certified copy of the application under Section 13 of the Hindu Marriage Act wherein applicant has sought for divorce. Further also perused statement as also report and also decision of the panchayat wherein no allegation of cruelty has been alleged. Considering the facts 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

