

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 828 /2016

Gurunath Jangde, S/o. Shyamlal Jangde, Aged About 30 Years,
Occupation- Lecturer, Government Servant, R/o. Village Kapu, P.S. Kapu,
Tahsil Dharamjaogarh, District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through P.S. Chakradhar Nagar, District Raigarh,
Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Vineet Kumar Pandey, Advocate
For Respondent	:	Mr. Neeraj Jain, Govt. Advocate
For Objector	:	Ms. Sofia Khan, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/12/2016

1. Apprehending arrest in connection with Crime No.231/2016 registered at Police Station- Chakradhar Nagar, District Raigarh (C.G.) for the offence punishable under Section 498A of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a report was made by the complainant wife on 21.06.2016 that the complainant was married to the present applicant seven years back and out of the wedlock two children were born and thereafter the applicant used to torture the wife and assaulted her and developed relation with other and before the incident on 06.06.2016, she was assaulted by the applicant; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the complainant wife was in relation with other person and she herself has left the house and when it was reported, it aggravated and

false allegations have been leveled against the applicant, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel and counsel for the objector vehemently opposes the prayer for grant of anticipatory bail. Learned counsel for the objector submits that the applicant has in-fact kept a Concubine, which would be evident from Annexure C-5 wherein it was admitted that some lady has kept in his house. It is further submitted that on 06.06.2016, the complainant was assaulted for which she made a report i.e. Annexure C-1 and she was subjected to medical examination, therefore, the applicant may not be enlarged on anticipatory bail.
5. Perused the case diary, documents and statement. It appears that the applicant has assaulted his wife. Taking into such fact, the statement and the nature of allegation, this is not a case where the benefit of Section 438 of Cr.P.C. can be extended to the applicant.
6. Accordingly, the bail application filed under Section 438 of Cr.P.C. is dismissed. However, the applicant, if so advised, may surrender and apply for regular bail before the concerned Trial Court and if such application is filed, the concerned Trial Court shall consider and decide the same as early as possible preferably on the same day.

Sd/-
(Goutam Bhaduri)
Judge