

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 601 of 2017

Yugal Kishor Bhuwal S/o Late Mr. Bhagwan Singh, Aged About 32 Years R/o Ward No. 11, Shankar Nagar, Nawagarh, District Bemetara, Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh Through District Magistrate. District Durg, Chhattisgarh.

---- Respondent

For the applicants : Achyut Tiwari, Advocate

For Respondent/State : Shri Neeraj Sharma, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/08/2017

1. Heard on application under Section 438 of Code of Criminal Procedure for grant of anticipatory bail to the applicant in the case.
2. Petitioner is apprehending his arrest in Crime No.12/2017, registered in Mahila Thana, District- Durg (C.G) under Section 498- A, 34 of IPC & 4 of Dowry Prohibition Act.
3. It is submitted by learned counsel for the applicant that, the applicant has been falsely implicated in this case by the complainant/wife- Nutan Bhuwal. The co-accused persons in this case have already been benefited with grant of anticipatory bail by the Sessions Court. Copy of the bail orders are filed alongwith this petition. The complainant herself was habitual to raise dispute and making false allegations him and his family members, complainant was interested that applicant should reside with her separately from his parents and on his refusal, this false complaint has been lodged by the complainant against the applicant and others.
4. Learned counsel for the petitioner is further submitted that the real issue between the applicant and his wife/the complainant is that the complainant was not satisfied with the applicant because

of his physical weakness. She made this statement, before the counselor, when the matter was sent for counselling by the concerned Police Station, hence, the rest of the allegation are made up. It is also submitted that the applicant is a government servant, hence, his arrest will seriously affect his service career.

5. Learned counsel for the States has opposed the bail application and the arguments submitted in this behalf. It is submitted that, the First Information Report against the applicant and the statements of the complainant Nutan Bhuwal are against the applicant and for these reasons the applicant is not entitled for grant of anticipatory bail.
6. I have heard the learned counsel for the parties and perused the case diary.
7. On perusal of the documents in the case diary and specially the documents of counselor, which are part of the case diary and keeping in view this fact that the applicant is a government servant, this appears to be a fit case, where the applicant should be benefited with grant of anticipatory bail.
8. 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 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) that 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 /-

(Rajendra Chandra Singh Samant)
Judge

Jamal