

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 63 of 2017**

Neeraj Singh Rathore S/o Shri Vijay Kumar Rathore, aged about 34 years, R/o Gattani Girls School, Akaltara Road, Police Station : Janjgir, District Janjgir- Champa, Chhattisgarh, present address : Jharsaguda, Police Station, Tahsil & District Jharsaguda, Orissa.

---- Applicant**Versus**

State of Chhattisgarh through District Magistrate, Police Station Janjgir, District: Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Ashok Kumar Shukla, Advocate
For Respondent/State	:	Shri N. K. Mehta, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****10/05/2017**

The present application under Section 438 of Cr.P.C. has been filed seeking for grant of anticipatory bail to the applicant apprehending his arrest in connection with Crime No. 535/2016 registered at P.S. Janjgir, District Janjgir- Champa (CG) for the offence punishable under Section 498(A)/34 of IPC.

The present applicant is the brother of the husband of the complainant. The marriage between complainant Shanti Rathore and Navneet Singh Rathore took place on 14.06.2006 i.e. about 11 years back. There are two children born from the said wedlock. The first report was lodged by the complainant on 06.09.2016 and thereafter, the second report was lodged on 17.09.2016.

Counsel for the applicant submits that the contents of the case diary would reveal that there is only bald and omnibus allegation against the present applicant of having subjected the complainant to ill-treatment and cruelty. He submits that all the allegations which have been levelled are mainly against the

husband of the complainant and not against the present applicant. He submits that admittedly, the documents enclosed with this application would show that the applicant is employed away from the matrimonial home of the complainant since 2005 onwards. Initially, the applicant was posted in Balco, Korba and subsequently, he has been transferred to Vedanta at Jharsuguda (Orissa) and presently he is working there.

This fact is not disputed by the State counsel. He, however, opposes the bail application on the statement of the complainant made in the complaint against the applicant.

Considering the fact that there is only a bald allegation against the present applicant and there is no specific overtact made against him and taking into consideration the employment of the applicant and the present place of posting for the last more than 12 years i.e. at Jharsuguda (Orissa) and also keeping in view the judgment of the Hon'ble Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar and another** reported in **(2014) 8 SCC 273**, this Court is of the opinion that prima facie, a strong case for grant of anticipatory bail has been made out.

In the result, the application u/s 438 Cr.P.C. is allowed. It is directed that in the event of arrest, the present applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Officer arresting him and he shall abide by all the following terms and conditions:

- (i) that the applicant shall make himself available for interrogation before the concerned 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.

Sd/-
(P. Sam Koshy)
Judge