

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 153 OF 2017

1. Ram Sai Patel, aged about 45 years, S/o Mahettar, R/o Village Tundra, Police Station Gidhouri, Tahsil and District Balodabazar-Bhatapara (C.G.)
2. Smt. Bhagmati Patel, aged about 37 years, W/o Saroj Kumar Patel, R/o Village Paladikhurd, P.S. Baradwar, Tahsil Sakti, District Janjgir-Champa (C.G.)

... Applicants

Versus

State of Chhattisgarh, through Station House Officer, Police Station Baradwar, Civil and Revenue District Janjgir-Champa (C.G.)

... Non-applicant

connected with

MISC. CRIMINAL CASE (A) NO. 188 OF 2017

Virendra Kumar Patel, S/o Ramesh Lal Patel, aged about 34 years, R/o Village Paladikhurd, Police Station Baradwar, Tahsil Sakti, District Janjgir-Champa (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Baradwar, Civil and Revenue District Janjgir-Champa (C.G.)

... Non-applicant

For Applicants	:	Mr. Deepak Kumar Singh, Advocate.
For Non-applicant/State	:	Mr. Neeraj Mehta, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/05/2017

1. The present applications have been filed under Section 438 of CrPC for grant of anticipatory bail to the Applicants who are apprehending their arrest in connection with Crime No. 5 of 2017, registered at Police Station-Baradwar, District Janjgir-Champa, for the offence punishable under Section 498-A/34 of IPC.
2. As per the prosecution case, marriage between the Applicant-Virendra Kumar Patel and the Complainant- Sumita Patel took place on 23.4.2013 and it is alleged that right from the time of marriage, the

Applicants have been subjecting the Complainant to ill-treatment, cruelty and torture leading her to leave the matrimonial home and stay in her parental home, on account of which she has lodged a complaint on 7.1.2016 alleging cruelty, on the basis of which a case for the offence punishable under Section 498-A/34 of IPC has been lodged against the present Applicants.

3. Learned Counsel for the Applicants refers to, two of the documents which transpire during the course of proceeding. One of which is the proceeding under Section 97-98 of CrPC at the behest of the father of the Complainant, namely, Gopal Ram Patel, wherein, on 31.3.2016, there is a statement made before the Sub Divisional Magistrate that the Complainant - Sumita Patel has voluntarily left her matrimonial home and that she does not want to live with her husband- Virendra Kumar Patel and his family members any further. There is no allegation whatsoever at that point of time in respect of cruelty, torture or ill-treatment. Likewise, there is a proceeding drawn before the Mahila Paramarsh Kendra, Janjgir, wherein also in the conciliation proceeding the authorities have recorded the statement of the Complainant- Sumita Patel of her adamancy in not willing to go with her husband and stay with him at matrimonial home and that she has specifically stated that she does not want to live along with her husband any further.

4. Taking note of the said two documents and also keeping in view the judgment of the Hon'ble Supreme Court in the case of **Arnesh Kumar v. State of Bihar & Another**, 2014 (8) SCC 273, this Court is of the opinion that a prima facie strong case for grant of anticipatory bail is made out.

5. Accordingly, the present applications under Section 438 of CrPC are allowed. It is directed that in the event of arrest of the Applicants in connection with Crime No. 5 of 2017, registered at Police Station-

Baradwar, District Janjgir-Champa, for the offence punishable under Section 498-A/34 of IPC, if each of them furnishes a personal bond for a sum of **Rs.25,000/- with one surety** of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then they shall be released on bail on the following further conditions :

- (i) that the applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required;
- (ii) that the applicants 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 applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(P. Sam Koshy)
Judge