

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 331 OF 2017

1. Sourabh Singroul, aged about 32 years, S/o Shri Kamla Prasad Singroul
2. Smt. Sakuntala Singroul, aged about 59 years, Wd/o Late Shri Kamla Prasad Singroul
3. Ravi Singroul, aged about 25 years, S/o Late Shri Kamla Prasad Singroul

All are R/o Village Takhatpur, District Bilaspur (C.G.)

... Applicants

Versus

State of Chhattisgarh, through Station House Officer, Police Station: Takhatpur, Tahsil Takhatpur, District Bilaspur (C.G.)

... Non-applicant

For Applicants	:	Mr. C.D. Sharma, Advocate.
For Non-applicant/State	:	Mr. Ashok Swarnakar, Panel Lawyer.
For Objector	:	Mr. Vinay Dubey, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10/05/2017

1. The present application has 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. 127 of 2017, registered at Police Station- Takhatpur, District- Bilaspur, for the offence punishable under Sections 498-A, 506 read with Section 34 of IPC.
2. The case as per the prosecution is that the Applicant No.1 is the husband of the Complainant - Smt. Pravina Patel Singroul. The marriage between the two took place on 14.2.2014. Thereafter, for about a very short period they stayed at matrimonial home and then for the Holi festival the Complainant was taken by the Applicant No.1 to her parental home and since then she has not returned to her matrimonial home.

3. In between, because of strained relationship of the two, a divorce petition under Section 13 of the Hindu Marriage Act was preferred by Applicant No.1, to which the Complainant also has filed a reply and the Applicant No.1 has also been examined in the Court in this connection. In the reply though there is a vague allegation of ill-treatment and torture but when the Applicant No.1 was examined before the Court, no such suggestions/questions were put to Applicant No.1 in this regard.

4. The first written complaint was lodged by the Complainant on 18.10.2016 and thereafter another report has been lodged on 2.4.2017. Right from the time after she had left the matrimonial home in February, 2014 to October, 2016, i.e., after a period of more than 2½ years, there does not seem to be any complaint lodged by the Complainant against the present Applicants to the police authorities in respect of alleged ill-treatment, torture and assault, if any.

5. Considering the facts and circumstances of the case and 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 face strong case for grant of anticipatory bail is made out.

6. Accordingly, the present application under Section 438 of CrPC is allowed. It is directed that in the event of arrest of the Applicants in connection with Crime No. 127 of 2017, registered at Police Station- Takhatpur, District- Bilaspur, for the offence punishable under Sections 498-A, 506 read with Section 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

/sharad/