

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No.426 of 2017

Kishore Puri Goswami S/o Shri Chhatrapal Puri Goswami Aged
About 29 Years R/o Ward No.2, Kawardha, Thana-
Kawardha, District Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station- Kawardha, District
Kabirdham, Chhattisgarh.

---- Respondent

For Applicant	: Mr. R.S. Patel, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29.11.2017

1. Apprehending arrest in connection with Crime No.19/2017 registered at Police Station- Kawardha, District – Kabirdham (C.G.), for offences punishable under Sections 249, 498 A/34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. It is submitted that the co-accused in this case have been benefited with grant of anticipatory bail by the Co-ordinate Bench of this Court in MCRC(A). 106/2017. The case against the applicant is also similar, hence, it is prayed that the applicant is entitled for grant of anticipatory bail.
3. Learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that there is clear

and categorical statement of complainant against the applicant that the applicant subjected her to cruel treatment, hence, he is not entitled for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused all the documents placed on record.
5. Facts of the case are these, that marriage of the applicant with the complainant (Mamta Goswami) was performed on 10.06.2015, after staying for one year in the matrimonial home the complainant (Mamta Goswami) left her matrimonial home and started living in her paternal home. A written complaint was submitted on 13.01.2017 in Police Station- Kawardha, District – Kabirdham alleging that applicant was a habitual drinker and he subjected the complainant to cruel treatment and tortured because of which complainant (Mamta Goswami) has compelled to leave her matrimonial home, thereafter, the case has been registered against the applicant.
6. Considering the submissions and contents of the case diary and looking to the facts and circumstances of this case that similarly placed co-accused person have been benefited with grant of anticipatory bail of this case, keeping in view laid down by Supreme Court judgment of ***Arnesh Kumar vs. State of Bihar*** reported in **(2014) 8 SCC 273**, and ***Rajesh Sharma Vs. State of Uttar Pradesh and Ors***, reported in **(2017) 8 SCALE 313**. applicant also is entitled for grant of anticipatory bail.
7. 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 offences, 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.

Sd /-

(Rajendra Chandra Singh Samant)

Judge