

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case (A) No.638 of 2017**

- Yogesh Bagde S/o Late Shri Chaitram Bagde, Aged About 36 Years R/o Village Post Manpur, Thana/ Tahsil Manpur, District Rajnandgaon (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Manpur, District Rajnandgaon (Chhattisgarh).

---- Respondent

For Applicant : Shri Samir Singh, Advocate
 For Respondent/State : Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****23.8.2017**

Heard the matter finally.

2. This application under Section 438 of Code of Criminal Procedure, 1973 (for short 'the Code') has been filed by the applicant apprehending his arrest in connection with Crime No.43/2017 registered at Police Station Manpur, Distt. Rajnandgaon (CG) for offence punishable under Section 294, 506, 323, 456, 354-A of the Indian Penal Code.

3. Learned counsel for the applicant submits that charge sheet is not yet filed, the applicant is the ex-husband of the prosecutrix/complainant, both married on 02.5.2007, thereafter both mutually consented for divorce and filed joint petition under Section 13B of the Hindu Marriage Act, 1955. Judge Family Court Rajnandgaon vide judgment and decree dated 06.12.2017 passed decree of divorce and directed that marriage between the parties are dissolved. Even thereafter, there was a good relationship between the applicant and the complainant. In the Aadhar Card prepared on 19.6.2015, the prosecutrix mentioned the applicant

as her husband. Even in the year 2016, both the applicant and the prosecutrix visited Shirdi. When the applicant came to see his ailing son, aged about 3 years, the prosecutrix did not allow him to enter the house, used obscene words and asked him not to come to her house. The applicant is a Shiksha Karmi, his divorced wife has lodged false reported against him, he never committed any offence prior to the incident, hence, he may be granted anticipatory bail in the evident of his arrest.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would submit that on 16.6.2017 at about 9.30 pm the applicant forcibly entered into the house of the prosecutrix, i.e. his divorced wife, and he outraged her modesty and also attempted for physical relation, assaulted and threatened to kill her. More over against the applicant Crime No.18/2009 relating to misappropriating government money and Crime No.48/2016 relating to attempt to suicide have been registered. Hence, his application may be dismissed.

5. Perused the entire material.

6. On due consideration of the facts surfaced in the FIR lodged by the prosecutrix and other facts surfaced, I am not inclined to grant anticipatory bail to the applicant.

7. Accordingly, the bail application filed under Section 438 of the Cr.P.C. is hereby dismissed.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE

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