

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 735 of 2017

Abhishek Mishra S/o Shri Chandra Prakash Mishra, Aged About 32 Years R/o Mazar Gali, Modahapara, P. S. Modahapara, District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Police Station Mahila Thana, District. Raipur (Chhattisgarh)

---- Respondent

For applicant – Shri Achyut Tiwari, Advocate.
For Respondent/State – Shri Suryakant Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/09/2017

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 27/2017 registered at Police Station Thana Mahila Thana, District Raipur (C.G.) for offence punishable under Sections 498-A, 34 of IPC.
2. As per the prosecution case, a report was made by wife Anjali Mishra on 23/05/2017 that she was not allowed to enter in the house when she returned back from her maternal home. It is also alleged that as she is already having daughter, therefore she is subjected to cruelty.
3. Learned counsel for the applicant submits that very report of the complainant would show that there is no allegation of cruelty has been attributed to the applicant and she herself eloped with one person. He submits that on the similar allegations which was omnibus mother and father of the applicant have been enlarged on bail by the coordinate bench of this court in M.Cr.C.(A) No.616/2017 on 25/08/2017 and case of the applicant is similar to that of the other who have been enlarged on bail, therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. Perused the statement of the victim Anjali Mishra and also perused the report. Perusal of the report would show that primarily it is stated that she wanted compromise with the applicant and stay together and primarily diluted complaints of trivial nature have been made. Taking into report and the statement that only omnibus allegations have been made further considering the conciliation proceeding, I am inclined to extend benefit of anticipatory bail to the applicant.

6. 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 offence, 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) 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/-

(Goutam Bhaduri)

JUDGE

