

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 907 of 2017**

Abhishek Sharma S/o Shri Ramakant Sharma, aged about 31 years,
R/o LIG-223, Shivaji Nagar, Korba, Outpost Rampur, Police Station,
Tahsil & District Korba, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through Police Station Kotwali, Korba, Dist.
Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Malay Kumar Bhaduri, Advocate
For Respondent/State:		Shri D. R. Minj, Govt. Advocate
For Objector	:	Shri Surfaraj Khan, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****29/11/2017**

The present application under Section 438 of Cr.P.C. has been filed seeking for grant of anticipatory bail to the applicant apprehending his arrest in connection with Crime No. 614/2017 registered at Kotwali Korba, District Korba (CG) for the offence punishable under Sections 498(A)/34 & 377 of IPC.

2. The case against the present applicant is that he in connivance with other family members is said to have subjected the complainant to cruelty, ill treatment, harassment and torture on demand of dowry. It is also a case where the applicant is said to have performed unnatural sex with the complainant which gave rise to some medical ailment to her.

3. Counsel for the applicant submits that it is a case where the marriage between the parties took place on 24.05.2013 and the present applicant is said to have filed a divorce petition against the complainant on 04.04.2017 and the FIR in the present case was filed on 25.09.2017 when

the notice regarding divorce petition was served upon the complainant.

4. So far as the delay part is concerned, the explanation which is provided by the counsel for the complainant and the State is that the matter was pending consideration before the Conciliation Authority as well as there was mediation going on between the parties. In between the parties had reconciled the matter and stayed together, therefore the FIR was not filed.

5. Considering the total facts and circumstances of the case particularly taking note of the material involved in the case where the divorce petition was filed on 04.04.2017 and on service of notice, the FIR was lodged on 25.09.2017 but till that date i.e. from May, 2013 to September, 2017, there was no allegation or complaint whatsoever against the applicant, this Court is of the opinion that prima facie, a strong case for grant of anticipatory bail has been made out.

6. In the result, the application u/s 438 Cr.P.C. is allowed. It is directed that in the event of arrest of the present applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Officer arresting him or the Court concerned, as the case may be, with the following terms and conditions:

- (i) that the applicant shall make himself available for interrogation before the concerned 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/-
(P. Sam Koshy)
Judge**

Bhola