

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 1375 of 2016**

Arun Sahu S/o Sukh Ram Sahu, aged about 34 years, R/o Quarter No. N.E./ 60, C.S.E.B. Colony- East, Tahsil & District Korba, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through the Station House Officer, Out Post Rampur, Police Station Kotwali Korba, District Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Vikas Pandey, Advocate
For Respondent/State	:	Shri U. K. S. Chandel, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****18/05/2017**

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. 507/2016 registered at Out Post Rampur, P.S. Kotwali, Korba (CG) for the offence punishable under Section 498-A/34 of IPC.

2. The allegation, as per the prosecution, against the present applicant is that he being the husband of the complainant subjected her to ill-treatment and torture along with his family members. It is alleged that the applicant on account of insufficient dowry being brought by the complainant was subjecting her to ill-treatment and torture right from the time of marriage. It is further alleged that the family members of the applicant were also ill-treating the complainant on account of her not being able to give birth a child.

3. Counsel for the applicant submits that it is a case where the present applicant and the complainant both are government teachers. It is said that the complainant was suffering from Sickling and therefore she was having certain complications. He submits that the applicant during the course of stay

with the complainant had also taken her to Ahmedabad and other places for treatment. According to the counsel for the applicant, the only reason for lodging of the complaint is her insistence and adamant approach for staying separately. He further submits that a perusal of the complaint itself would show that there is no specific date of any of the incidents which have been referred in the complaint and only bald and omnibus allegations have been made.

4. State Counsel, however, opposes the anticipatory bail application and refers to the complaint of the complainant drawing attention towards the allegations made against the applicant and the other family members.

5. A perusal of the record would show that in fact, in the complaint itself no specific date of any incident has been referred except for the general allegations of periodical humiliation, ill-treatment and torture. There is no specific details given by the complainant in respect of any of the incidents except for the general and bald allegations. Thus, considering the total facts and circumstances of the case and also keeping in view the judgment of the Hon'ble Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar and another** reported in **(2014) 8 SCC 273**, 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, the present applicant 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