

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No.142 of 2018**

Vivek Mishra, S/o Shri Bimal Kishore Mishra, aged about 34 years, R/o Bhairamdev Ward No.04, Panchpath Chowk, Police Station Kotwali, Jagdalpur, Civil and Revenue District Bastar, Chhattisgarh, presently R/o Chicago University of Frenklin Institute, Chicago, U.S.A.

---- Applicant

versus

State of Chhattisgarh through Police Station Mahila Thana, Raipur, Civil and Revenue District Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Smt. Fouzia Mirza, Advocate
For Respondent	:	Shri Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****7.5.2018**

1. The Applicant is apprehending his arrest in connection with Crime No.41 of 2012 registered at Police Station Mahila Thana, Raipur, District Raipur for offence punishable under Sections 498A, 34 and 406 of the Indian Penal Code.
2. Facts of the case, in brief, are that marriage between the Applicant and Complainant Payal Panigrahi was performed on 17.6.2011. in the written complaint lodged by Payal, she has made allegations that her husband/Applicant, in-laws and their other family members started harassing her soon after the marriage. The Applicant lives in Chicago. She went there. There also, he beat her. Even when she was pregnant, he beat and ousted her from his house.
3. Learned Counsel appearing for the Applicant submits that the alleged incident took place at Jagdalpur and Chicago. A Police

Station of Raipur does not have jurisdiction to take action against him. Other co-accused Supriya and Kalyani have already been granted benefit of anticipatory bail and father-in-law and mother-in-law of the Complainant have been granted benefit of regular bail. The Applicant is an educated person and is a pass-out of Indian Institute of Technology (IIT), Kanpur. He is ready to furnish adequate surety and shall abide by all the conditions which may be imposed by this Court.

4. Learned Counsel appearing for the State/Respondent opposes the prayer for grant of anticipatory bail. He submits that though other co-accused have been granted bail, but the present Applicant is the husband of the Complainant and is the main accused and sufficient evidence is available against him regarding the harassment given by him to the Complainant.
5. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
6. Considering the facts and circumstances of the case and the role of the Applicant in the offence, I am not inclined to release him on anticipatory bail.
7. Accordingly, the bail application is rejected.
8. At this stage, Learned Counsel appearing for the Applicant submits that the Applicant may be given a fixed date for his surrender before the concerned Trial Court and the Trial Court may be directed to decide his application for grant of regular bail on the date of its filing itself.

9. On due consideration, it is directed that the Applicant shall surrender before the concerned Trial Court on 8.6.2018 between 11:00 a.m. and 11:30 a.m. positively and if any application for grant of regular bail is filed on his behalf before the Trial Court, the same shall be considered and decided on the date of its filing, if possible.

Sd/-
(Arvind Singh Chandel)
JUDGE