

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 166 of 2018**

Tejram Deshmukh W/o Khorbahra Ram Deshmukh Aged About 38 Years
R/o Shyam Nagar Risali, Bhilai, Police Station Newai, Tahsil And District
Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through District Magistrate, Durg District Durg
Chhattisgarh, District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri Neeraj Pradhan, Advocate.
For the Respondent/State : Shri Vivek Singhal, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.03.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 10 of 2018, registered at Police Station – Newai, District – Durg, Chhattisgarh for the offences punishable under Sections 498-A, 284, 506 and 323 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. It is submitted that because of some dispute between the applicant and complainant who are husband and wife, the

complainant lodged false FIR making allegation against this applicant. The marriage of the applicant and the complainant is about more than 11 years old, hence, no case is made out against the applicant. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that prior to lodging of FIR, the complainant was beaten and driven out of the house of the applicant. Hence, the applicant is not entitled for grant of bail.

5. Heard counsel for both the parties and perused the case diary.

6. The marriage of the applicant and complainant – Varsha Deshmukh was performed in the year 2006. It is alleged that soon after the marriage, the applicant started to misbehave and he used to torture the complainant. He continued his cruel treatment with the complainant till the complainant was driven out of the house of the applicant on 16.1.2018. Hence, this case.

7. Considering the entire material present in the case-diary, and also keeping in view the observations made by the Supreme Court in the cases of **Arnesh Kumar vs. State of Bihar** reported in **(2014) 8 SCC 273** and **Rajesh Sharma vs. State of Uttar Pradesh and Others** reported in **(2017) 8 SCALE 313**, I am of the opinion that the present is a fit case where the applicant is entitled to be released on anticipatory bail.

8. 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. He 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 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/-

(Rajendra Chandra Singh Samant)
Judge