

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 568 of 2018

- Lomesh Kumar Dewangan S/o Krishna Kumar Dewangan Aged About 30 Years R/o Vishwakarma Chowk, Jamul, P. S. Jamul, Tahsil And Distt. Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, Durg District Durg Chhattisgarh.

---- Respondent

For Applicant	:	Shri Awadh Tripathi, Advocate.
For Respondent/State	:	Shri Avinash K. Mishra, P.L.

Hon'ble Shri Pritinker Diwaker, J

Order On Board

03/07/2018

The applicant has filed this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.07/2018 registered at Police Station – Mahila Thana, Durg, Distt. Durg for the offence punishable under Section 498A of IPC.

02. Case of the prosecution is that the applicant performed love marriage with the complainant Suman Dewangan and after marriage they lived together for about two years. Allegation against the applicant is that he used to ill-treat the complainant and somehow wants to get rid of her.

03. Counsel for the applicant submits that the applicant &

complainant performed love marriage; incidentally the applicant belongs to upper caste and the complainant was under wrong impression that she is not being accepted by the applicant's family because of her caste. It has been argued that disputes between the applicant and the complainant are going on since long; the applicant has tried his level best to adjust and accommodate the complainant but she used to pick quarrel on trivial matters and is in the habit of making complaint after complaint. He submits that the complainant was also called in the counseling by the police where she stated to have no grievance against the parents of the applicants and that she wanted to become mother but the applicant was not ready for the same. He further submits that the applicant is still willing to keep the complainant with him and considering the long pendency of dispute between the parties, if at this stage the applicant is arrested, his entire career would be ruined and the possibility of amicable settlement between the parties would come to an end. Therefore, the applicant may be released on bail.

04. On the other hand, State counsel opposes the bail application and submits that if the applicant wants to compromise the matter, he can do so.

05. Heard counsel for the parties and perused the material available on record.

06. Be that as it may, considering the nature of allegations levelled against the applicant, the fact that the applicant and the complainant performed love marriage, they are quarreling since long and also keeping in view the possibility of settlement between the parties,

without further commenting on merits of the case, I am of the opinion that present is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed.

It is directed that in the event of arrest of the applicant in connection with the aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.1 lac with one surety of the like sum to the satisfaction of the concerned arresting/investigating officer 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/

(Pritinker Diwaker)
Judge