

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 752 of 2018**

Rajesh Sharma, S/o. Late Chandan Lal Sharma, Aged About 44 Years
 R/o- Devnandan Nagar, Phase-II, Opp. Rama Green City, Sarkanda, P.S.
 Sarkanda, Bilaspur, District- Bilaspur, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through- The Police Station Mahila Thana,
 Bilaspur, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Rakesh Thakur, Advocate

For Respondent/State : Mr. Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/08/2018**

1. Apprehending arrest in connection with Crime No.26/2018, registered at Police Station – Mahila Thana, Bilaspur, District – Bilaspur (C.G.) for offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant according to the material present in the case diary. The marriage of this applicant with the complainant is about 11 years old and after passing of more than 11 years, written complaint was filed making false allegation against the applicant

and other co-accused. The other co-accused in this case has been enlarged on anticipatory bail. Hence, for this reason, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Marriage of complainant – Priti Sharma with this applicant took place on 29.04.2007. It is alleged in the complaint filed on 20.02.2018 by the complainant that soon after the marriage, the husband and in-laws of the complainant commented upon the arrangements made by the bride side. Later on the complainant was treated with cruelty and the applicant and the co-accused persons misbehaved on number of occasions. It is alleged that the applicant used to abuse and assault the complainant and used to come in inebriated condition. FIR has been lodged on 04.05.2018.
6. Considered the submissions made and the contents of the case diary. After due consideration of all the material present in the case and also keeping in view the guidelines laid down by the Hon'ble Supreme Court in case of *Armesh Kumar Vs. State of Bihar*, reported in (2014) 8 SCC 273, and *Rajesh Sharma & Ors. Vs. State of U.P. & Ors.* reported in 2017 (8) SCALE 313, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.

8. 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. The applicant 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/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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge