

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 818 of 2018

- Vivek Singh S/o Shri Uday Pratap Singh Aged About 32 Years R/o Village Mahalpara, Baikunthpara, P.S. And Tahsil Baikunthpur, District Korea, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Baikunthpur, District Korea, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant : Mr. T.K. Jha, Advocate.

For Respondent State : Mrs. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

23/08/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.105/2018 registered at Police Station-Baikunthpur, District – Korea(C.G.), for the offence punishable under Sections 498-A of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The complainant, who is the wife of this applicant has left her matrimonial home just after 6 months of her marriage and she is not willing to come back. The applicant has filed application under Section 9 of the Hindu Marriage Act, which is pending before the concerned Court and after passing of more than 2

years, a totally false FIR has been lodged against the applicant and others on 14.5.2018 alleging cruel treatment to the complainant. Hence, no case is made out against him.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard the parties and perused the case diary.
5. The marriage of applicant with complainant Roshni Singh took place on 12.12.2016. The complainant left her matrimonial home just after 6 months of her marriage while she was pregnant. Later on, her pregnancy got aborted and she continue reside in her paternal home. A written complaint was given by her in police-station at Bilaspur on 11.12.2017, on that basis a counseling was held by the Family Conciliation Centre, in which, the complainant does not wants to go and reside with her husband and she wants to divorce and subsequently the FIR has been lodged.
6. Considered on all the material present in the case diary, I am of this view that this is a fit case where applicant should be grant of anticipatory bail.
7. 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 his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge