

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1045 of 2018**

Manoj Khandekar, S/o. Late Mohan Lal Khandekar, Aged About 40 Years,
R/o Sonbhandha, P.O. Dhuma, Police Station and Tahsil Takhatpur,
District- Bilaspur, Chhattisgarh, civil and revenue District Bilaspur,
Chhattisgarh. Present Address : Shantipur Dhuma Tahsil Kota, District
Bilaspur, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through The Police Station Takhatpur District
Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Mateen Siddiqui, Advocate
For Respondent/State	: Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****12/09/2018**

1. Apprehending arrest in connection with Crime No.209/2018, registered at Police Station – Takhatpur, District – Bilaspur (C.G.) for offence punishable under Section 323, 498A, 506 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. Totally a false complaint has been lodged by the complainant Heena Khandekar, the wife of this applicant. The marriage of the applicant and the complainant is about 9 years old and the applicant has three siblings

from this marriage. In the present development, the complainant herself has left the applicant and is living in live-in relationship with some another person, therefore, a dispute took place between the applicant and the complainant regarding her present relationship because of which, she has made false allegation in the complaint lodged by her. 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. FIR has been lodged by the complainant against the applicant on 22.05.2018 alleging that the applicant thrashed and threatened her and thus subjected her to cruel treatment in her marital life.
6. As it appears that since about 9 years of the marriage between the applicant and the complainant, this is the first occasion, the incident has taken place on 22.05.2018. Considering the facts and circumstances of the case and also taking into consideration the guidelines laid down by the Hon'ble Supreme Court in case of *Arnesh 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

Balram