

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.702 of 2017

- Hayas Tavi Shahi S/o Manimul Haque, Aged About 37 Years Caste- Muslim, R/o Islampur, Post Bhakhudumpur, Police Station- Balidih, District Bokaro, Jharkhand

---- Petitioner

Versus

- State Of Chhattisgarh Through: The Station House Officer, Police Station Manendragarh, District Koriya, Chhattisgarh.

---- Respondent

Shri D. N. Prajapati, counsel for applicant.
Shri PK Bhaduri, GA for State.
Shri Waquar Naiyar, counsel for Objector.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/01/2018

Heard.

2. The applicant has preferred this application under Section 438 of Cr.P.C., apprehending his arrest in connection with Crime No.21/2017, registered at Police Station–Manendragarh, District Koriya for alleged commission of offence under Sections 498-A, 506/34 of IPC. .

3. Case of the prosecution is that the applicant and other co-accused harassed and subjected to cruelty the complainant-wife raising various demands of money & gold and she was ill-treated and assaulted also.

4. Learned counsel for the applicant submits that out of dispute between husband and the wife, exaggerated allegations have been levelled against the applicant, which are not correct. He submits that the applicant has not indulged in physical violence and there is no dispute between the husband and wife, therefore, at this stage, he prays for grant of anticipatory bail relying upon the judgment of the Supreme Court in the case of ***Arnesh Kumar vs. State of Bihar and another, 2014(8) SCC 273.***

5. On the other hand, learned State counsel as well as learned counsel for the Objector, referring to the diary statements and the FIR, submits that the complainant was subjected to cruelty in many ways raising demand of money and gold and assaulted also as well as not taking proper care of the complainant.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that there is no specific material to show any injury on any part of body of the complainant, I am inclined to protect the applicant.

7. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on furnishing a personal bond for a sum of Rs.20,000/ with one local surety in the like sum to the satisfaction of the arresting officer, on the following conditions that:

(I) The applicant shall make himself available for interrogation by the police as and when required;

(II) 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, *and*

(III) The applicant shall cooperate with the investigation as and when he is called.

SD/-
(Manindra Mohan Shrivastava)
Judge