

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1309 of 2018**

Pramod Kumar S/o Jageshwar Prasad Aged About 37 Years R/o 76-1/a,
Maitri Nagar, Risali Sector No.06, Bhilai, District Durg, Chhattisgarh., District
: Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station - Baikunthpur, District - Koriya,
Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh.

---- Respondent

For the Applicant : Ms. Priya Mishra, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****12.11.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No.119 of 2018 registered at police station Baikunthpur, District Koriya, Chhattisgarh for the offence punishable under Sections 498A, 294, 323 and 506 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The complainant is divorced wife of this applicant. She is living separately from the applicant since three years prior

to the date of incident. Totally false allegation has been made regarding the alleged commission of offence. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the serious allegation has been made by the complainant regarding the torture and cruel treatment given to her. Hence, no case is made out for grant of anticipatory bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. The marriage of the applicant with the complainant took place on 23.1.2011. After living for sometime together, they had one child and the complainant is living separately from her husband since about 3 years. It is alleged that on 4.10.2017, this applicant came to the house of the complainant where she was residing, he abused, threatened, assaulted and caused injuries to her. Hence, this case.

7. After considering each and every aspect in the case-diary, the submission that the relation between the applicant and the complainant is no longer existing is yet to be confirmed in the investigation and for the reason that the allegation has been made against the applicant is under Section 498A of the IPC, and also keeping in view the observations made by the Supreme Court in the cases of **Arnesh Kumar vs. State of Bihar** reported in **(2014) 8 SCC 273** and **Rajesh Sharma vs. State of Uttar Pradesh and Others** reported in **(2017) 8 SCALE 313**, I feel inclined to grant anticipatory

bail to the applicant.

8. 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 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 them 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/-
(Rajendra Chandra Singh Samant)
Judge