

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1378 of 2018**

Hemant Seva S/o Late Shri Ganeshidas Seva Aged About 40 Years R/o Sirgitti , Ward No. 1 Police Station Sirgitti Civil And Revenue District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through The Station House Officer Police Station Sirgitti District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Punit Ruparel, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.11.2018**

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.277 of 2018 registered at police station Sirgitti, District Bilaspur, Chhattisgarh for the offence punishable under Sections 498A and 506B 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 marriage of the applicant and the complainant is about 19 years old. The complainant is residing separately since about 1 ½ years. False FIR has been lodged on 20.7.2018 against the

applicant. As it is a matrimonial dispute and there are chances that there may be reconciliation between both the parties, 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 applicant has criminal antecedents as he has earlier assaulted his wife and she was also treated cruelly in the year 2013 for which the offence was registered against him. 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 facts of the case in brief are that consequent to the marriage of the applicant with the complainant both have one daughter and one son out of this wedlock. It is alleged that the applicant abused and tortured the complainant for demand of dowry and also doubting her chastity.

7. After considering each and every aspect in the case-diary 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 am of the opinion that the present is a fit case where the applicant is entitled to be released on anticipatory bail.

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