

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1392 of 2018**

1. Manish Mandle, S/o. Shri Mehatru Das Mandle, Aged About 24 Years
2. Kamla Bai, W/o. Mehatru Das Mandle, Aged About 50 Years,
Both R/o. Village Chourenga, Tahsil and Police Station Simga,
District Baloda Bazar Bhatapara Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station
Simga, District -Baloda Bazar Bhatapara Chhattisgarh.

---- Respondent

For Applicants	: Mr. Atanu Ghosh, Advocate
For Respondent/State	: Mrs. Madhunisha Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/11/2018**

1. Apprehending arrest in connection with Crime No.287/2018, registered at Police Station – Simga, District – Baloda Bazar – Bhatapara (C.G.) for offence punishable under Section 498-A, 323, 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. Because of some petty dispute, the complainant has left her matrimonial home and has lodged false FIR against the applicants and other co-accused persons. In the development later on, the applicants and

the complainant both have compromised with each other. Complainant has sworn an affidavit to the effect that she does not want any proceeding on her complaint. Copy of the same has been attached with this application. Hence, for this reason, it is prayed that the applicants 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. Marriage of the complainant with co-accused Virendra Mandle was performed on 16.06.2011. It is alleged that the applicants and other co-accused persons subjected the complainant to cruel treatment on number of occasions because of which, she was compelled to leave her matrimonial home on 06.09.2018 and lodged the FIR. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After due consideration of all the material present in the case and also keeping in view 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 applicants.
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 applicants in connection with the aforesaid offence, they shall be released on

bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram