

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1507 of 2018

- Virendra @ Birendra Mandle S/o Shri Mehatru Das Mandle, Aged About 32 Years, R/o Village Churenga, Tahsil and P.S. Simga, District- Baloda-Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Shri Atanu Ghosh, Advocate.

For Non-applicant/State – Shri Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-11-2018

1. Apprehending arrest in connection with Crime No.287/2018, registered at Police Station – Simga, District- Baloda Bazar-Bhatapara, Chhattisgarh for offence punishable under Section 498A, 323, 34 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. Marriage of the applicant and the complainant is about 7-8 years old and they have a child of 5 years. Because of some petty dispute the complainant started residing in her parental home and has lodged this false FIR. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that according to the statement given by the complainant, no case is made out for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.
5. The complainant has lodged the FIR that she was consistently treated with cruelty by her husband, when the complainant took up some job of social

audit this applicant started objecting and putting restrictions on her and also he used to thrash her, for this reason, after a series of such events, the complainant has left her matrimonial home and lodged this FIR.

6. Considered on the entire material present in the case diary and the marital status of this applicant with the complainant and there being some possibility of compromise between them, it appears that keeping in view the guidelines laid down by Hon'ble the Supreme Court in case of **Arnesh Kumar Vs. State of Bihar**, reported in (2014) 8 SCC 273, this applicant should be benefited with grant of anticipatory bail.

7. Accordingly, the anticipatory bail 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 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge