

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A.) No. 156 of 2019

Naresh Kumar Sahu S/o Laxman Singh Sahu Aged, About 43 Years,
Parmanent Address- Parbhu Niwas Santra Badi Durg Behind Of Tarun Takies
Thana Mohan Nagar, Tehsil And District Durg Chhattisgarh, Present R/o
Hyderabad Telangana A. P.

---- Applicant

Versus

State Of Chhattisgarh, Through: The Station House Officer, Police Station
Mahila Thana Raipur, District Raipur Chhattisgarh

---- Respondent

For Applicant : Mr. Avinash Chand Sahu, Advocate
For Respondent : Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

22/02/2019

Heard.

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No.22/2018 registered at Police Station- Sector 6, Bhilai, District- Durg (C.G.), for the offence punishable under Sections 498 (A),34 of Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The applicant and the complainant both had cordial marriage relation and this applicant has never tortured her on any pretext and just because of some differences, she has left her matrimonial home and has lodged false F.I.R. against this applicant. Therefore, it is prayed that the applicant may be granted anticipatory

bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is clear evidence present regarding commission of offence under Section 498(A) of I.P.C., therefore, no case is made out for grant of anticipatory bail to the applicant.
4. Heard both the parties and perused the case diary.
5. The applicant is a member of C.R.P.F. The marriage of applicant- Naresh Kumar Sahu and complainant- Kusmita Sahu took place on 19.05.2013, thereafter, the complainant started residing in her matrimonial home and she was also taken to places where the applicant was posted. The allegation is this that the applicant used to torture the prosecutrix on various pretext because of which she felt compelled to leave her matrimonial home and lodged the F.I.R. against him.
6. Considered on the entire material present in the case diary. It appears that there are chances of settlement in this case, therefore, 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.
7. 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 his executing a personal bond in the 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 her by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika