

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 191 of 2019**

Mohd. Sahid Sheikh, S/o. Sheikh Simal Mohammad, Aged About 35 Years, R/o. Ajampura, Police Station Chadarghat, Ajampura, District Hyderabad, Telangana Prant.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Of Police Station Mahila Thana Ambikapur District Surguja Chhattisgarh.

---- Respondent

For Applicant	: Mr. Samir Singh, Advocate
For Respondent/State	: Mrs. Smita Jha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****05/03/2019**

1. Apprehending arrest in connection with Criminal Case No.275/2017, which is now pending before the Court of Judicial Magistrate First Class, Ambikapur, District – Surguja (C.G.) arising out of the Crime No.10/2014, registered at Police Station – Mahila Thana Ambikapur, District – Surguja (C.G.) for offence punishable under Section 498-A, 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. The marriage of the complainant Heera Parveen was performed on 19.03.2008. As the marriage life was not peaceful between them, the applicant has given her divorce on 29.05.2013. Subsequent to that as a counter blast, this FIR has been lodged in the year 2014. As presently there is no relation between the

applicant and the complainant, therefore, it is prayed that the applicant 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. It is submitted that serious allegation has been made by the complainant against this applicant in the FIR lodged and the statement given by her, therefore, the application be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. In the complaint made by complainant Heera Parveen, she has alleged that soon after the marriage, demand of Rs.2.00 lakhs was made by the applicant subsequent to that the applicant made again demand of Rs.1.00 lakhs stating that he has to meet the expenses for going to Saudi Arabia. After arrangement of money, the applicant went to Saudi Arabia and totally deserted the complainant. When the complainant made an enquiry, she came to know that the applicant has married to some other woman and later on the applicant has divorced her.
6. Considered the submissions made and the contents of the case diary. After considering on the entire material present in the case diary and for the reason that the complainant had waited too long to come to the police and make her grievances, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge