

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 187 of 2019

- Rahul Agrawal, S/o Vinod Agrawal, aged about 33 Years, R/o Bhawani Nagar, Rajnandgaon, Chhattisgarh. Permanent R/o Village/Post-Aasra, Police Station & Tahsil-Dongergarh, District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Police Station-Dongargaon, District-Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. B.D. Guru, Advocate.
For Respondent/State : Mrs. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

26/02/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.409/2018 registered at Police-Station-Dongargaon, District– Rajnandgaon(C.G.), for the offence punishable under Sections 498-A, 34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. Marriage of the applicant with complainant Ankita Agrawal performed on 13.2.2013 and they have one female child from this relation. The complainant herself has raised dispute and

misbehaved with applicant and the other family members and has left her matrimonial home in the month of April, 2018. After residing of about 5 months in her parental house, a meeting was held, in which, matter was settled and the complainant again came back to reside with the applicant, but she had again raised the same dispute and has left her matrimonial home, thereafter, she has lodged false FIR against this applicant and others, therefore, it is prayed that applicant be benefited with grant of anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is further submitted that according to the complaint given, this applicant used to harass the complainant his wife on various pretext, therefore, looking to the evidence present, he is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. The case against this applicant is briefly discussed hereinabove, on perusal of the document filed along with the application and the contents of the case diary, it appears that the matrimonial dispute has grown between applicant and his wife, however, the complainant still appears to have wish to go back to her matrimonial home and also keeping in view the law laid down by the Hon'ble Supreme Court in the matters of ***Arnesh Kumar vs. State of Bihar*** reported in **(2014) 8 SCC 273**, and ***Rajesh Sharma vs. State of Uttar Pradesh and Ors*** reported in **(2017) 8 SCALE 313**, I am of this opinion that applicant deserves to be benefited with grant of anticipatory bail..
6. 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 him by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha