

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 346 of 2019**

Ayush Kumar Shukla S/o Bhupendra Kumar Shukla Aged About 30 Years
R/o Houseno. 503, Fifth Floor, Radhika Palace Apartment, Shanti Nagar,
Supela, Bhilai, District Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station
Mahila Thana, Durg, (District Magistrate, Durg) Chhattisgarh, District : Durg,
Chhattisgarh.

---- Respondent

For the Applicant : Shri Arvind Dubey, Advocate.
For the Respondent/State : Shri Adil Minhaj, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.03.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 9 of 2019, registered at Police Station Mahila Thana, Durg, Chhattisgarh for the offence punishable under Sections 498A and 323/ 34 of the Indian Penal Code.
3. It is submitted by 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 placed before the Court by the prosecution. The marriage of the applicant with the complainant is about 9 years old and both of them have a child aged about 7 years. The complainant had left her matrimonial home in December 2011 where the applicant and the complainant both have started business for which the money was arranged by the complainant herself. Later on, the complainant started to run a club in which she used to remain late night. The applicant raised objection with the complainant for her remaining out of home in the late night because of which, the dispute arose and the false FIR has been lodged. The other in-laws who have been made accused in this case have been granted anticipatory bail by the Court below. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that looking to the allegations made by the complainant against the applicant no case is made out for grant of anticipatory bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. The applicant and the complainant both performed love marriage on 26.11.2010. Later on, the family members of both the parties agreed and another marriage in Arya Samaj Temple was performed on 17.4.2011. It is alleged that the applicant and other in-laws used to torture the complainant and subject her to cruel treatment continuously. The complainant moved to her parental house, where the applicant also moved and then both of them

were engaged in some business for sometime and thereafter, this FIR has been lodged.

7. After considering the facts and circumstances of the case and for the reason that there is possibility of settlement between the applicant and his wife/ the complainant, I feel inclined to grant anticipatory bail to the applicant.

8. 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 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 them 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