

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 385 of 2019

- Ajay Vishwakarma S/o Late Shri Gopal Vishwakarma, Aged About 33 Years, R/o Next To Ex - Corporator (Parshad)'s House, Nagar Nigam Colony, Ramsagarpara, Police Station Azad Chouck, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Azad Chouck, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Devershi Thakur, Advocate.

For Non-applicant/State – Ms. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-03-2019

1. Apprehending arrest in connection with Crime No.33/2019, registered at Police Station – Azad Chouck, District- Raipur, Chhattisgarh for offence punishable under Section 498A, 506, 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. It is case of family dispute of complainant Sunita Vishwakarma with her mother-in-law, because of which a quarrel took place between both of them on 15-01-2019, on the basis of which a complaint was lodged before the police on 31-01-2019, the police did not take any action and issued notice under Section 155 of the Cr.P.C. The complainant is a working woman and she wants to live separate from the applicant, therefore, she has made false allegations against the applicant and other co-accused persons. The other co-accused persons have been granted anticipatory bail by the Court below. Therefore, it is prayed that this applicant may also be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that serious allegations have been made by the complainant against this applicant, therefore, he is not entitled for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. The FIR has lodged alleging that after marriage of the applicant with the complainant on 19-11-2009, the complainant had to live in joint family for a few years and thereafter she is living separately with her husband and mother-in-law. The applicant and his mother both of them have subjected her to cruel treatment, in which her husband has been restrained by her mother-in-law to cohabit with the complainant and also have demanded money from her for household expenses as she is a working woman. Because of this dispute the complainant does not want to reside in her matrimonial home. Therefore, the FIR has been lodged.

6. After considering on the entire material present in the case diary and 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, and **Rajesh Sharma & Ors. Vs. State of U.P. & Ors.**, reported in 2017 (8) SCALE 313, I am of this view that 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