

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 459 of 2019**

Dr. Ravibhushan Pandey S/o Dinesh Kumar Pandey Aged About 35 Years
R/o Bazarpara, Near Palace Lakhanpur, Police Station And Tahsil
Lakhanpur, District Surguja Chhattisgarh, District : Surguja (Ambikapur),
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Mahila Thana Ambikapur
District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Manoj Paranjpe, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****10.04.2019**

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. 1 of 2019, registered at Police Station Mahila Thana, Ambikapur, District Surguja, Chhattisgarh for the offence punishable under Sections 323, 506 and 498A read with Section 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 has taken place on 21.4.2007. After 12 years of the marriage, the complainant has left the matrimonial home and lodged false FIR against the applicant making totally false allegations. Because of change in the behaviour of the complainant and expecting some threat, this applicant has filed a complaint to the police on 28.11.2018, copy of which is attached as Annexure-A/3 in which it is stated that the complainant was not satisfied with the financial condition and she used to misbehave with the applicant and his parents, on which the police issued a notice under Section 155 of the Cr.P.C. to the applicant to take shelter of the Court of law and thereafter, on the next date, the complainant has lodged the FIR. The parents of the applicant have been benefited with grant of anticipatory bail and the applicant also has a similar case. 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 in the written complaint given by the complainant, she has made serious allegations against the applicant regarding the cruel treatment for demand of money and dowry and also the cruelty shown by the applicant by having some illicit affair with another woman. Hence, 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. According to the FIR lodged, it is alleged that the complainant was a working woman and an Ayurvedic Doctor. She was not allowed to keep her income from salary. This applicant and in-laws on various other pretexts, demanded money which were fulfilled by the complainant and by her parents. Thereafter, the complainant came to know that the applicant is having some affair with another woman on account of which, the dispute came in the matrimonial life and ultimately, the complainant was compelled to leave her matrimonial home. Hence, this case.

7. After considering the entire material present in the case-diary, it appears that the complainant has not named the person having illicit affair with the applicant and there is possibility that the dispute between the complainant and the applicant may be settled in the future, hence, 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