

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 490 of 2019

- Amit Kumar S/o Moti Ram Aged About 37 Years R/o Nayi Mohalla, Daltan Ganj (Ranchi) Jharkhand, Presently Posted And Working In Punjab National Bank, Branch Bankhedi, District Hoshangabad Madhya Pradesh.

---- Applicant

Versus

- State of Chhattisgarh Though Station House Officer, Police Station City Kotwali, Durg, District - Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. Shashank Thakur, Advocate.

For Respondent : Mr. I. Lakda, Dy. Govt. Advocate.

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

10/04/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.192/2019 registered at Police Station-City Kotwali, Durg(C.G.), for the offence punishable under Section 419, 420, 376 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 for commission of offence that are registered against the applicant. If the act alleged against the applicant is taken as it is, then only offence under Section 494 of IPC will be made out against him, which is a bailable offence. The applicant is employed in Punjab National Bank and in case he is arrested and detained, his service prospects would be jeopardized, hence, it is prayed that application be allowed.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that this applicant by concealing his earlier marriage has married the complainant and by deceit obtained her consent for physical relation, hence, no case is made out for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. FIR has been lodged by the complainant against this applicant that by concealing the fact that he is already married and having children from earlier marriage, performed second marriage with complainant on 10.6.2017 and, thereafter, he disclosed that he is already married, hence, the dispute arose. Complainant had earlier filed application before the Court of Judicial Magistrate under the provisions of the Protection of Women of Domestic Violence Act and thereafter she has lodged this FIR.
6. After considering on the nature of case and allegations made against this applicant and also the submissions made by counsel for applicant, I am of this opinion that this is a fit case where applicant should be granted anticipatory bail.
7. 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