

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 557 of 2019**

Nand Kumar Gayakwad, S/o. Heeradhar Gayakwad, Aged About 30 Years, R/o. Quarter No. 159, Ward No. 4, Gariyaband, Police Station and District Gariyaband Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Its Police Station- Vidhansabha (Saddu), Raipur District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ravi Maheshwari, Advocate
For Respondent/State	: Mr. Aaditya Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****24/04/2019**

1. Apprehending arrest in connection with Crime No.49/2019, registered at Police Station – Vidhansabha (Saddu), District – Raipur (C.G.) for offence punishable under Section 498-A, 506 read with Section 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned 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 present in the case diary. General allegations have been made by the complainant. In fact it is a case of matrimonial discord with the applicant and his wife/complainant, which is not a commission of offence under Section 498A of I.P.C. Hence, for this reason, it is prayed that the applicant may be enlarged on anticipatory bail.
3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.

4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the FIR lodged, the complainant Lalita and this applicant got married in Arya Samaj Mandir on 23.09.2014. It is alleged that while living with the applicant, complainant was abused, threatened, misbehaved and thrashed by the applicant on various occasions, regarding which FIR has been lodged.
6. Considered the submissions made and the contents of the case diary. After due consideration of all the material present in the case diary, looking to the nature of the allegation against this applicant, and further keeping in view the guidelines laid down by the Hon'ble 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, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram