

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 593 of 2019

- Vivek Mahant S/o Laxman Mahant, Aged About 32 Years, R/o Village Rampur, Near I.T.I. Korba, District- Korba, Chhattisgarh, Present Address:- Sakri, Near Jain International School, Bilaspur, Tahsil and Distict- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O., P.S. AJAK Korba, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

For Applicant – Shri Ravindra Sharma, Advocate.

For Non-applicant/State – Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-04-2019

1. Apprehending arrest in connection with Crime No.04/2019, registered at Police Station – AJAK Korba, District- Korba, Chhattisgarh for offence punishable under Section 294, 323, 506, 376, 493 of the IPC and Section 3(1) (10) of SC/ST Act, 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. No case is made out against him. The prosecutrix is a major lady. The applicant and the prosecutrix both had affair, therefore, they married in the year 2012 by executing Ikramnama and also swearing affidavit in this respect. The applicant and the prosecutrix lived together about 6 years till June, 2018, thereafter, the applicant had to shift to Korba to live with his parents, because of which the prosecutrix became aggrieved and she has lodged the false complaint against him before the Court, on which basis the FIR has been lodged. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.

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

5. According to the complaint filed by the prosecutrix, it is admitted that she and the applicant both started living together after performing an affidavit marriage and executing one Ikrarnama from 14-06-2012 and the applicant has deserted her since June, 2018. It is also alleged that the applicant has abused her by her caste name. Hence, this case.

6. After considering the facts and circumstances and nature of the case, I am of this opinion that this is a fit case for 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