

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC (A) No. 721 of 2019

Quadir Mahmood Khan, S/o Mahmood Hasan Khan, Aged About 30 Years, R/o 407, Verginia Sundarban Phase-2, Azad Nagar, Mango Jamshedpur, P.S. Jamshedpur, District- East Singhbhoom (Jharkhand).

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Mahila Thana Ambikapur, District- Surguja, Chhattisgarh

---- Respondent

For Applicant : Mr. Bharat Gulabani with
Mr. Anshuman Shrivastava, Advocates
For Respondent : Mr. Jitendra Pali, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

20/05/2017

1. The applicant has preferred this bail application under Section 438 Cr.PC apprehending his arrest in connection with Crime No20/2018, registered at Police Station Mahila Thana, Ambikapur Sarguja Chhattisgarh for the offence punishable under Sections 498-A,294,323 34 IPC.
2. Case of the prosecution in brief is that, the marriage of complainant Heena Fatima was solemnized with the accused/applicant Quadir Mahmood Khan on 09.09.2017. Further case of the prosecution is that immediately after the marriage the applicant and three other persons started treating her with cruelty and demanded 10 tolas gold and one Innova car and due to non fulfillment of the said demands made by the

complainant family and she was compelled to leave her matrimonial house on 08.05.2018 and thereby the applicant committed the offence.

3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that his mother and sister have already been granted by bail by the coordinate bench in MCRC(A) No. 169 of 2019 on 27.02.2019 and the applicant has lodged the informatory petition before the Court of Judicial Magistrate First Class Jamshedpur on 20.06.2018 about the conduct of the complainant and as such he is entitled for grant of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of anticipatory bail application.
5. It is not disputed that the marriage of the applicant and the complainant was solemnized on 09.09.2018 and the complainant had left her matrimonial house on 08.05.2018 and thereafter the informatory petition was filed by the applicant on 20.08.2018, giving information about the conduct of the complainant and thereafter only on 29.09.2018 the FIR was lodged against the applicant, considering the relationship between the parties and further considering the material available on record, I am of the opinion that the present applicant is entitled to be given the advantage of anticipatory bail.
6. 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 the following conditions.

(I) that the accused/applicant/s shall make himself/herself/themselves available for interrogation before the concerned Investigating Officer as and when required;

(ii) that the accused/applicant/s 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/them from disclosing such facts to the Court or to any police officer;

(iii) that the accused/applicant/s shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the accused/applicant/s shall appear before the trial court on each and every date given him/her/them by the said court till disposal of the trial.

Sd/-
(Sanjay K. Agrawal)
Vacation Judge

Santosh