

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 849 of 2019**

Ashok Majumdar S/o Late Ravindranath Majumdar Aged About 54 Years R/o
Qr. No. 6/a Street 12, Sector - 7, Bhilai, Tahsil And District - Durg
Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through - Mahila Thana Bhilai, Sector - 6 Bhilai,
District - Durg Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri P.R. Patankar, Advocate.
For the Respondent/State	:	Shri Rahim Ubwani, P.L.
For the Objector	:	Shri J.K. Gupta, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.06.2019**

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. 28 of 2019, registered at Police Station – Mahila thana Sector-6, Bhilai, District – Durg, Chhattisgarh for the offence punishable under Section 498-A of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant had performed the second marriage with the complainant after the death of his first wife in the year

2014. The complainant has herself performed third marriage, after having two earlier marriages and by making a false statement that she was a divorcee from her earlier marriage. It is a case of simple dispute between the husband and wife and therefore, it cannot be termed as cruel treatment. The complainant is habitual in making false complaints and she has filed a complaint against the applicant making false allegations against him. The applicant is a Government Servant and employed in Bhilai Steel Plant. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Learned counsel for the Objector objects the arguments and submits that the applicant has treated the complainant with cruelty, because of which, she was compelled to leave her matrimonial home and take shelter in her paternal home. Hence, no case is made out for grant of anticipatory bail to the applicant.

6. Heard counsel for both the parties and perused the case diary.

7. According to the FIR lodged, it is alleged that this applicant along with his other in-laws and family members, on various pretexts tortured the complainant and has thrashed and abused her because of which, she was compelled to leave her matrimonial home. Hence, this case.

8. After perusing the entire material present in the case-diary and the nature of the allegations against this applicant and further, the relation is still existing between the applicant and the complainant, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

9. 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. He 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 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