

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 891 of 2019**

Vidyabhushan, S/o. Ramesh Prasad Sharma, Aged About 38 Years, R/o. J.P. Pratistan, Ruabandha, HSCL Colony, Police Station- Sector- 6, Kotwali, Bhilai, Tahsil and District- Durg, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Police Station- Mahila Police Station- Sector-6, Kotwali, Bhilai, District- Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Manoj Paranjpe, Advocate
For Respondent/State	: Mr. Rahim Ubawani, P.L.
For Objector	: Mr. Amarnath Pandey, Advocate

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

26/06/2019

1. Apprehending arrest in connection with Crime No.25/2019, registered at Police Station – Mahila Police Station, Durg, District – Durg (C.G.) for offence punishable under Section 498-A, 323 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. Similarly placed co-accused persons Ramesh Prasad Sharma and Rekha Sharma have been granted anticipatory bail by this Court vide order dated 15.05.2019 in M.Cr.C.(A) No.687 of

2019. Marriage of this applicant with the complainant is nine years old. The complainant is also suffering from depression for which she has been treated and because of her depression she is making false allegation against the applicant and others and has also behaved in erratic manner. The applicant was compelled to file a complaint to the police on 21.10.2018. Copy of which is attached as Annexure A-2 and also another complaint was filed on 27.03.2019 in which no action was taken by the police, however by the interference of the police, compromise was entered into between the parties in the Police Family Counseling Center of Sector -6, Bhilai on 18.11.2018. The statement of the complainant before the Family Counseling Center itself discloses that it is a simple case of matrimonial discord for which she is also responsible. Therefore, 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. It is submitted that according to the statement given by the complainant against the applicant and others and also that co-accused persons were granted bail for limited period with condition that they will make efforts to settle the dispute with the complainant regarding which they have not taken any steps so far, therefore, this applicant should not be granted anticipatory bail.
4. Counsel for the objector/complainant submits that complainant has been treated with cruelty by this applicant at the behest of co-accused persons. In the bail order passed by this Court in M.Cr.C. (A) No.687/2019, one specific condition was mentioned that complainant shall be allowed by the co-accused person to participate in the birthday ceremony of her son in compliance to

which, when the complainant visited the place, she was denied such participation by the co-accused persons and also the co-accused persons have not complied with the condition imposed in the order granting temporary bail, therefore, the application be rejected.

5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to the FIR lodged, the marriage of this applicant with the complainant Shweta Sharma took place in the year 2009. There is allegation of cruel treatment and misbehavior with the complainant. Hence, this case.
7. For the reason that the marriage is about 9 years old and the applicant and the complainant both have child out of this wedlock. The complainant is interested in settlement and also that co-accused persons have been granted temporary bail with condition so that they shall make efforts to bring a settlement between the parties, therefore, for the reason above mentioned and the reason mentioned in the order dated 15.05.2019, passed in M.Cr.C.(A) No.687/2019, I am of this opinion that the application should be allowed only on temporary basis for a period of six months, which shall be subject to confirmation on the basis of the outcome of the efforts of the applicant for settling the dispute.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed on temporary basis.
9. 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.
- (v) the applicant shall make every efforts to bring to compromise between themselves and the complainant during the bail period.
- (vi) this order shall remain effective for a period of six months and applicant has liberty to file application of confirmation of the anticipatory bail granted to him.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge