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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1092 of 2019**

Vinay Mishra, S/o Shri Amar Nath Mishra, Aged About 34 Years, R/o Lakhan Colony, Subhash Ward Bhatapara, Police Station-Bhatapara(Urban), District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh, Through Police Station- Simga, District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicant	:	Shri Ashok Soni, Advocate.
For Respondent/State	:	Smt. Reena Singh, PL

Hon'ble Smt. Justice Rajani Dubey
Order on Board

09/08/2019

1. Heard.
2. This is the first bail application filed under Section 438 of the Cr.P.C. filed by the applicant for grant of anticipatory bail, who is apprehending arrest in connection with Crime No.97/2018 registered at Police Station - Simga, District Balodabazar, Bhatapara, C.G. for the offence punishable under Sections 498A and 323 of the Indian Penal Code.
3. As per the prosecution case, the complainant lodged the complaint to the police station Simga that prior to six months from 08.04.2018, the applicant had started dairy farm at Village Darchura, where he always used to visit along with the applicant and her children. One day when the complainant along with her children went to applicant dairy farm, the applicant raised finger towards the character of the complainant and committed mar peet wit her and not

allowed to meet her children. The applicant forcefully took the complainant out of her dairy farm, due to which she sustained injuries on her body. On the basis of complaint made by the complainant the offence was registered against the applicant under Sections 498A and 323 of the IPC.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the applicant is a 34 years old person and have no criminal antecedent and if he is arrested in the present case he will suffer irreparable loss. The applicant is the husband of complainant and the complainant was habitual to torture the applicant mentally due to several reasons. The brother of the applicant also lodged the FIR against the complainant. Hence, it is prayed that the applicant are entitled for grant of anticipatory bail.
5. On the other hand learned counsel for the State opposes the bail application.
6. Heard counsel for the parties and perused the case diary.
7. Looking to the facts and circumstances of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application 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 the 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 inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them 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/-
(Rajani Dubey)
Judge