

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1428 of 2019

- Santosh Pathak S/o - Vijay Pathak Aged About 38 Years R/o - Mission Chow, Kedarpur, Police Station And Tahsil Ambikapur, District Surguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Incharge Mahila Police Station Ambikapur, District Surguja Chhattisgarh

---- Respondent

For Applicant	: Mr. Nitesh Shrivastava, Advocate.
For Respondent/State	: Mr. Amit Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

09/12/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 35/2019, registered at Police Station Women Police Station Ambikapur, Distt. Surguja (C.G.) for the offence punishable under Sections 498-A, 294, 323 & 506 of the IPC.
2. As per prosecution story, the applicant is the husband of complainant Sarita Pathak, their marriage was solemnized in the year 2007, out of their wedlock they have blessed with two children aged about 9 years and 7 years respectively. On 20.08.2019, the complainant lodged a written complaint before the concerned Police Station

alleging therein that after few days of marriage, the applicant used to talk with her in filthy language and also he used to torture her. On the basis of said complaint, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated by the complainant due to some dispute between them. The complainant herself left her husband's house, her children and resides separately from her husband, thereafter, she lodged a false report against the applicant. The applicant is a reputed person of his society and there is no chance of his absconding. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary minutely.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by the learned counsel appearing for the parties and further considering the fact that the children of the complainant living with the applicant, only general allegations have been made by the complainant against the applicant. Without further commenting on other merits of the case, in my considered opinion, the present applicant is entitled to grant of anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-

- I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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/-

(Arvind Singh Chandel)
Judge