

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1472 of 2019

- Chandan Kushwaha S/o Jagdish Kushwaha Aged About 38 Years
Caste - Koeir, Occupation - Private Service, R/o Village - Mohalla
Ward No. 10 Wadrafnagar Police Station - Basntpur, Tahsil -
Wadrafnagar, District - Balrampur - Ramanujganj Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Women Police Station - Ambikapur
District - Surguja Chhattisgarh.

---- Respondent

For Applicant	: Mr. Akath Kumar Yadav, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

02/12/2019

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. 30/2019, registered at Police Station Ambikapur, Distt. Surguja (C.G.) for the offence punishable under Sections 323, 498-A & 506 of the IPC.
2. As per prosecution story, the applicant is the husband of complainant Archana, their marriage was solemnized in the year 2006. Out of their wedlock they have blessed with two children. The complainant submitted a written complaint before the concerned Police Station alleging therein that the applicant has tortured her physically and mentally and used to committed *Marpeet* with her. It is further alleged that since July 2018, the applicant committed forcible sexual

intercourse with her. On 04.08.2019 also, he committed *Marpeet* with the complainant. On the basis of said written 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 in the present case. He further submits that the complainant herself left the house of her husband and residing separately from last one year. She left her two children also. The Counsel further submits that *prima facie* no case can be made out against the applicant. 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.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that the complainant left her two children, she left the house of her husband and residing separately from last one year, only general allegations have been made against the applicant. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
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 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