

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1504 of 2019

- Harish Bhai Patil S/o Shri Sadhawa Patil Aged About 42 Years Revenue Inspector, R/o Tahsil Colony Saraipali, Police Station And Tahsil Saraipali, Civil And Revenue District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Masturi, Civil And Revenue District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Parasmani Shrivastava, Advocate.
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For Respondent/State	: Ms. Seema Dixit , P.L.
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Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

21/11/2019

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. 319/2019, registered at Police Station Masturi, Distt. Bilaspur (C.G.) for the offence punishable under Section 498 (A)/34 of the IPC.
2. As per prosecution story, the applicant is husband of complainant Renuka, their marriage was solemnized in the year 2007, out of their wedlock they have blessed with two children. On 14.08.2019, complainant lodged an FIR alleging therein that after the marriage, applicant and other co-accused persons used to beat her, demanded dowry and also abused her in filthy language. In the year 2018, they gave drugs to the complainant and expelled her out of the house. On

the basis of complaint lodged by the complainant, 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 due to some dispute with the applicant and his family members. He further submits that without any reason, she started living separately since 2018. There was a delay of one year in lodging the FIR i.e. lodged on 24.08.2019. Other co-accused persons Dinesh and Sadharam have already granted benefit of bail by the Sessions Court itself, therefore, the applicant may also be granted benefit 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 applicant and the complainant lived together for last 12 years. The complainant herself started living separately since last one year. The other co-accused persons have already been granted bail by the Sessions Court itself. 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