

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1592 of 2019

Umesh Kumar Rathore S/o Shri Laxman Prasad Rathore Aged About 37 Years Caste - Rathore, R/o Village Lalpur, Police Station Gaurella, Tehsil - Pendra Road, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Gaurella, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Achyut Tiwari, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

19/12/2019

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. 263/2019, registered at Police Station: Thana-Gaurella, District-Bilaspur (C.G.) for the offence punishable under Section 494, 498-A of IPC.

2. As per the prosecution story, the Applicant is the husband of the complainant, marriage of the Applicant with complainant was solemnized in the year 2007. Out of their wed-lock they have three children. Allegedly, after the marriage the Applicant and Complainant, Applicant as well as other family members of the Applicant tortured the complainant physically and mentally. It has been further alleged that the Applicant committed second marriage with one Pushpa Rathore without consent of & divorce from the complainant. On the basis of said, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case as the complainant herself doesn't want to live with the Applicant, earlier she has filed application under Section 125 of Cr.P.C and she is living separately from her husband since 2015. He further submits that the said allegations is of Section 494 of IPC and not of 498-A of IPC but as Section 494 of IPC is non-cognizable & bailable, complainant developed story to implicate the Applicant under Section 498-A falsely therefore, he prays for grant of anticipatory bail to the Applicant.
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, arguments advanced by the counsel for the Applicant and further considering the fact that complainant is living separately from her husband from last four years, 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