

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1512 of 2018

- Khemsagar Yadav S/o Shri Rudro Ram Yadav, Aged About 35 Years, Occupation - Service Posted as Rural Health Organizer, R/o Village - Jhimki, Police Outpost - Kotba, Thana - Bagbahar, Civil and Revenue District - Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Outpost - Kotba, Thana - Bagbahar, Civil and Revenue District - Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Sunil Sahu, Advocate.

For Non-applicant/State – Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-01-2019

1. Apprehending arrest in connection with Crime No.148/2018, registered at Outpost Kotba, Thana – Bagbahar, Civil and Revenue District Jashpur, Chhattisgarh for offence punishable under Section 498-A, 452, 427, 323, 294, 506/34 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant has been falsely implicated in this case. No case is made out against this applicant. The marriage life of this applicant with the complainant had been peaceful and he wishes to continue in the same fashion, regarding which an affidavit has also been filed by the applicant before this Court. Similarly placed co-accused persons have been granted anticipatory bail by the Court below. Therefore, it is prayed that this applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant had been responsible for disrupting his own matrimonial right and he was trying to perform second marriage without dissolution of earlier marriage, therefore, he is not entitled for grant of

anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. The case against the applicant is this, that, after passing of 7 years of marriage of applicant with complainant Smt. Durga Yadav they were issueless, because of which dispute arose between them and it is alleged that this applicant and his parents used to torture and treat with cruelty the complainant and also compelled her to leave the matrimonial home. In the later stage this applicant was attempting to perform second marriage with one Santoshibai, then the complainant come forward and lodged the FIR.

6. After considering on the entire material present in the case diary and looking to the possibility of settlement between the parties, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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 sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant 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 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) 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil