

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1584 of 2018**

Rajeev Kumar Manikpuri S/o Shivnath Das Aged About 36 Years R/o
Quarter No. 135/4, Railway Colony, Durg District Durg Chhattisgarh,
District : Durg, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through The Incharge, Mahila Thana Durg District
Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sanjay Kumar Agrawal, Advocate.
For the Respondent/State	:	Shri Arun Shukla, Dy. A.G.
For the Objector	:	Shri Vedant Bhelonde, Advocate on behalf of Shri P.R. Patankar, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.01.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 18 of 2018, registered at Police Station – Mahila Thana, Durg, District – Durg, Chhattisgarh for the offences punishable under Sections 498A and 509/ 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on

the basis of the material placed before the Court by the prosecution. The complainant, who is the wife of the applicant had left her matrimonial home just after one month of the date of marriage and she is residing in her parental home. As the applicant is in job in Bangalore where the complainant does not want to reside, she has made totally false allegation in the FIR lodged. Similarly placed co-accused persons have been granted bail by this Court. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the contents of the FIR and the statement given by the complainant and others no case is made out for grant of anticipatory bail to the applicant.

5. Learned counsel for the Objector has adopted the arguments submitted by the State counsel and submits that immediately after the marriage the applicant and the co-accused persons started to torture the complainant for demand of Rs.2,00,000/-. The complainant was sent by force to her parental home and she was not allowed to come back to her matrimonial home by the applicant and others. Therefore, it is a clear case of Section 498A of the IPC and no case is made out for grant of anticipatory bail to the applicant.

6. Heard counsel for both the parties and perused the case diary.

7. The marriage of the applicant with complainant – Jayshri Manikpuri was performed on 12.12.2016. In the month of March, 2017, this applicant

brought the complainant to her parental home on pretext that he has to go to attend the job in Bangalore and he left her there. The complainant has made an application that the applicant used to ignore her and never expressed his love for her. It is alleged that a demand of Rs.2,00,000/- was made from the parents of the complainant in the year 2016 itself and the FIR has been lodged by the complainant on 2.11.2018. Hence, this case.

8. Considered the entire material present in the case-diary and lodging of FIR is sufficiently delayed. Similarly placed co-accused persons have been granted anticipatory bail by this Court. Hence, for these reasons, I am of the considered view that the applicant deserves to be released on anticipatory bail.

9. Accordingly, the anticipatory bail application is allowed and 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nimmi