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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1677 of 2018

- Suresh Anant S/o Shri Daras Anant, Aged About 40 Years, R/o Village-Mohtara, Police Station- Masturi, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Mahila Thana, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Jitendra Shukla, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-01-2019

1. Apprehending arrest in connection with Crime No.11/2018, registered at Police Station – Mahila Thana, Bilaspur, District Bilaspur, Chhattisgarh for offence punishable under Section 498-A, 323 & 506 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against him. The applicant had some dispute with his wife, the complainant, because of which she has lodged a complaint in the police, but the same was compromised between them on 31-03-2018. Subsequent to that, a dispute again arose and the complainant has left her matrimonial home leaving three children with the applicant. This applicant has not subjected the complainant to any cruel treatment and totally false allegation had been made against him. Hence, 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 and submits that this applicant has abused, threatened and thrashed the complainant causing injuries on her body, hence, no case is made out for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.

5. According to the FIR lodged when the complainant Gulababai started residing with the applicant subsequent to the compromise dated 31-03-2018 the applicant again thrashed her causing injuries to her and has driven her out of his house. Hence, this case.

6. After considering on the entire material present in the case diary and keeping in view the guidelines laid down by Hon'ble the Supreme Court in case of **Arnesh Kumar Vs. State of Bihar**, reported in (2014) 8 SCC 273, and **Rajesh Sharma & Ors. Vs. State of U.P. & Ors.**, reported in 2017 (8) SCALE 313, 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