

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 220 of 2020

Vinay Kumar S/o Subhas Chand Agrawal Aged About 33 Years R/o Near Singh General Store, Shanti Nagar, Bhilai - 3, District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Mahila Police Station, Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Malay Shrivastava, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.
For Objector	: Mr. Kalpesh Ruparel, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05/03/2020

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. 4/2020, registered at Police Station Mahila Thana, Distt. Bilaspur (C.G.) for the offence punishable under Sections 498-A/34 of the IPC.
2. As per prosecution story, the applicant is the husband of complainant Sonamati Singh, their marriage was solemnized on 11.12.2017 in Arya Samaj. On 08.01.2020, the complainant lodged an FIR against the applicant alleging therein that after the marriage, behavior of the applicant with the complainant was not proper and he used to tortured the complainant physically and mentally. It is further alleged that in the month of February 2019, when the complainant was pregnant and was residing in Bilaspur (C.G.) at that time, the applicant came to her and quarreled with her as well as told her that he was not the father of the child of her womb. It is further alleged that the applicant having an illicit relationship with his '*Bhabhi*'. On the basis of report made 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.

He further submits that the complainant was firstly married with one Kriti Singh and against Kriti Singh also the complainant has leveled the allegations regarding illicit relationship with his Bhabies and on the ground of cruelty he has given divorce to the complainant and later on marriage between the applicant and the complainant was solemnized in Arya Samaj. The counsel further submits that after the marriage, the complainant herself does not want to reside with the applicant in Bhilai (C.G.) and always tried to live at Bilaspur (C.G.). Since, the complainant made false allegations against the applicant regarding illicit relationship with his Bhabi, therefore, on the ground of cruelty, the applicant has moved an application under Section 13 of the Hindu Marriage Act. Hence, this false and fabricated report has been lodged by the complainant against the applicant. The Counsel further submits that at the time of counseling also the complainant has admitted the fact that she has demanded and accepted Rs. 10 lacs from the applicant. The Counsel finally submits that the applicant is a reputed person of his society, he is the permanent resident of above mentioned address and there is no chance of his absconding, therefore, the applicant may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State and objector opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary minutely.
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 facts that the incident occurred in the month of February 2019 and the FIR has been lodged in the month of January 2020 and firstly the applicant has moved an application under Section 13 of the Hindu Marriage Act thereafter the report has been lodged by the complainant. 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 solvent 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 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