

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 386 of 2020**

- Raeen Saddam Hussain S/o RaeenAllauddin Aged About 28 Years R/o Near Sameena Palace, Plot No. N 12-13, First Floor, River View Society, Bharimata Road, Katargam, Surat, Gujarat,

---- Petitioner**Versus**

- State Of Chhattisgarh Acting Through SHO Mahila Thana, District- Raipur, Chhattisgarh

---- Respondent

For Applicant	Mr. Lukesh Kumar Mishra, Advocate
For Respondent /State	Mr. KK Singh, Government Advocate
For Objector	Mr. Sakib Ahmad, Advocate

Proceedings through Video Conferencing**SB: Hon'ble Mr. Justice Prashant Kumar Mishra****Order On Board****29/6/2020**

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No.5/2020, registered at Police Station Mahila Thana, District Raipur (CG) for the offence punishable under Sections 498-A, 294, 34 of IPC.

3. Learned counsel for the applicant would submit that the applicant and the complainant were married on 8.5.2018 at Surat, Gujarat. The couple started living at Surat but on account of marital dispute, they started living separate since after 2.10.2018. The applicant preferred a Divorce Petition before the Family Court/District Court on 3.6.2019 at Motihari, District East Champaran, Bihar. According to the applicant, immediately after the notice of the divorce petition, the complainant lodged a written compliant before the Raipur Police on 6.12.2019, based on which, the present FIR has been registered on 16.1.2020. Thus, there is delay of 1 ½ years in lodging the FIR. It is also argued that several co-accused persons have already been allowed anticipatory bail by the District Court, Raipur.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Although there is allegation of demand of dowry and ill-treatment including physical cruelty, the fact remains that the couple are living separate since after 2.10.2018 and there is prior petition for grant of divorce filed by the applicant.
6. Considering the entire facts situation of the case, particularly for the reason that the offences are triable by the Judicial Magistrate First Class, I am of the opinion that present is a fit case, in which, the applicant should be extended the benefit of Section 438 of Cr.PC.
7. Accordingly, the application is allowed and it is directed that in

the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Arresting Officer with the following conditions :-

- (i) he shall make himself available for interrogation by a Police Officer as and when required;
- (ii) he 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 for disclosing such facts to the Court or to any Police Officer.

8. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

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