

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 445 of 2020**

- Tushar Sharda S/o Sudhir Sharda Aged About 33 Years R/o Near Natraj Hotel, Circuit House, Station Road, Satna, Madhya Pradesh., District : Satna, Madhya Pradesh.

---- Applicant

Versus

- State of Chhattisgarh Through - District Magistrate, Through Station House Officer, Mahila Thana, District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Juhi Jaiswal, Advocate.
For Respondent/State	:	Mr. Vimlesh Bajpai, Govt. Advocate.
For Objector	:	Mr. Ganesh Ram Burman, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****22-06-2020**

Heard.

1. The applicant has preferred this bail application under Section 438 of Code of Criminal Procedure 1973 for grant of anticipatory bail apprehending his arrest in connection with Crime No. 18 of 2020 registered at Police Station Mahila Thana, Sector-6, Bhilai, District Durg (CG.) for alleged commission of offence under Section 498-A, 34 of IPC.
2. Case of the prosecution is that the applicant harassed and tortured his wife/complainant and also used to make various demands from the complainant. According to the prosecution,

complainant was being harassed and maltreated in many ways, details of which have been elaborately mentioned in the FIR. She had come back to her paternal house in the month of May 2019 and since then no efforts are being made by the husband and other family members to take her back and her jewelery etc., has also been retained and not being returned.

3. Learned counsel for the applicant submits that allegation of harassment against the applicant is false and fabricated. Though there are some disputes between the parties, the allegations against the applicant and family members are after-thought. She would further submit that wife of the applicant went back to her parental house in the month of May 2019 and thereafter, the dispute between the parties could not be resolved, therefore, recourse has now been taken to lodging of FIR after seven months of delay ie., on 16-2-2020. She would further submit that, though, the applicant is willing to go for counseling and settle all the disputes with his wife, he is unable to travel down to Chhattisgarh in the counseling place due to movement restriction on account of pandemic Covid-19 virus spread.

4. On the other hand, learned counsel for the State and learned counsel for the objector both oppose the prayer for grant of anticipatory bail and submit that the wife of the applicant has given details in FIR in which she has made vary specific allegations with regard to cruelty, harassment and torture to which she was subjected in many ways. It is also submitted that husband and her

family members have completely abdicated their obligation towards complainant and she is lying unattended in her parental house and even her jewelery has been retained.

5. Having considered the submissions of learned counsel for the parties, particularly taking into consideration that the report has been lodged as late as on 16-2-2020, though, the complainant, according to her version in the FIR, had come back to her parental house in the month of May 2019 and further that no specific injury report is there in the case and that the applicant is willing to go for counseling with his wife, I am inclined to grant anticipatory bail.

6. Accordingly, the 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 on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the Arresting Officer and the applicant shall abide by all the following terms and conditions.

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that 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 from disclosing such facts to the Court or to any Police Officer.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair

and expeditious trial; and

- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E

Raju