

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.457 of 2020

- 1. Bhagwat Sahu S/o Shri Doojram Aged About 46 Years Occupation - Agriculturist, R/o Village - Pawni Thana And Tahsil - Bilaigarh, Civil And Revenue District - Balodabazar Chhattisgarh
 - 2. Shiv Kumar Sahu S/o Shri Doojram Aged About 32 Years Occupation - Service, R/o Village - Pawni, Thana And Tahsil - Bilaigarh, Civil And Revenue District - Balodabazar Chhattisgarh
- **Applicants**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Bilaigarh, District - Balodabazar Chhattisgarh

---- **Respondent**

For Applicants	:	Mr. Sunil Sahu, Advocate.
For Respondent/State	:	Mr. Sudhir Verma, Dy. G.A.
For Objector	:	Mr. Vijay K. Deshmukh, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/06/2020

Heard.

- 1. The applicants are apprehending their arrest in connection with Crime No.15/2020 registered at police station –Bilaigarh, District Balodabazar (C.G.) for alleged commission of offence under Section 498-A/34 of IPC.
- 2. Case of the prosecution is that the husband/applicant No.2 and brother-in-law/applicant No.1 subjected the prosecutrix to cruelty in many ways and there was demand of valuables. It is alleged that the prosecutrix was married to Shiv Kumar Sahu/applicant No.2 on 06.05.2018, thereafter, Shiv Kumar Sahu started maintaining illicit relation. When prosecutrix opposed and objected to Shiv Kumar Sahu, she was beaten up. The husband subjected her to cruelty in many ways, finally, she had to leave parental house. Later on, the prosecutix came to know that her husband has contacted second marriage during subsistence of first marriage.
- 3. Learned counsel for the applicants submits that there may be dispute against Shiv Kumar Sahu /Applicant No.2 and prosecutrix, his wife but the allegations as leveled against the applicants are highly exaggerated and far-fetched. It is submitted that the prosecutrix left the matrimonial house in

August, 2018 because of ongoing dispute. After one year, she has lodged report on 28.11.2019 and the main operative reason, even according to the prosecutrix report, is that later on, Shiv Kumar Sahu/applicant No.2 contacted second marriage.

4. On the other hand, learned counsel for the State and Objector oppose the prayer and submit that the prosecutrix's allegations are clear and specific not only against the husband but also against the brother-in-law.

5. Having considered the submission of learned counsel for the parties, particularly, taking into consideration that the FIR has been lodged on 28.11.2019 mainly on the allegation that the husband has contacted second marriage and that too long after, she left the matrimonial house, the application is allowed.

6. Accordingly, it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail on each of them 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 applicants shall abide by all the following terms and conditions -

- (i) that the applicants shall make themselves available for interrogation by a Police Officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E

Rekha