

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No.501 of 2020**

Manish Verma S/o Sadhu Ram Verma Aged About 37 Years Occupation  
Service, Resident Of World Bank Colony, Mig-1, 1744 Housing Board  
Jamul Bhilai, District Durg (Chhattisgarh) ---- **Applicant**

**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station  
Mahila, P.S. Sector-6, Bhilai Nagar, District Durg, Chhattisgarh

---- **Respondent**

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| For Applicant        | : | Mr. Sudhir Verma, Advocate. |
| For Respondent/State | : | Mr. Sudeep Verma, Dy. G.A.  |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**03/07/2020**

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.28/2020 registered at police station–Mahila, P.S. Sector-6, Bhilai Nagar, District Durg (C.G.) for alleged commission of offence under Section 498-A, 494, 34 of IPC.
2. Case of the prosecution is that the applicant-husband harassed, tortured and subjected his wife to cruelty in many ways. It is the allegation of the prosecution that the applicant has contacted another marriage with one Devyanti Chandravanshi on 15.04.2015 and from that illegal marriage, a child is also born. The applicant suppressed this fact from the complainant in this manner the applicant subjected the complainant not only to physical but also mental cruelty.
3. Learned counsel for the applicant would submit that present is a case of false fabricated allegation on afterthought ground. He would submit that because of certain disputes between the parties various cases have remained pending in the Court. An application for restitution of conjugal rights under Section 9 of the Hindu Marriage Act was filed by wife and in those proceedings, the wife refused to go along with the husband. The wife also

moved an application for grant of maintenance and order has also been passed in her favour on 27.12.2017 and she is getting a maintenance. It is also submitted that later on, the applicant filed an application for grant of divorce in the year 2017 which case is pending. Finally, it is submitted that report has now been lodged on 09.03.2020 on the allegation that the present applicant has contacted second marriage on 15.04.2015.

4. On the other hand, learned State counsel opposes the prayer and submits that the allegations which have been leveled by the complainant against the applicant not only relate to physical cruelty but also mental cruelty because during subsistence of first marriage, the applicant contacted second marriage, which was not known to the complainant.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the report dated 09.03.2020 has been lodged mainly on the ground that the applicant has contacted second marriage and further taking into consideration that the FIR has been lodged after number of civil disputes filed and pending in the Court, present is a fit case for grant of anticipatory bail. Accordingly, the application is allowed.

6. Accordingly, 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**