

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 508 of 2020

Swapnil Kumbhkar S/o Late Mohanlal Kumbhkar Aged About 27 Years R/o Village Lakhram, Police Station Ratanpur, District Bilaspur, Chhattisgarh

---- Appellant

Versus

State Of Chhattisgarh Through- The District Magistrate, Bilaspur, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Amiyakant Tiwari, Advocate.

For Respondent/State : Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

19/06/2020

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. 140/2020, registered at Police Station Ratanpur, District Bilaspur (C.G.) for the offence punishable under Sections 354, 294, 506, 323/34 of the IPC.
2. In this case there are total 3 accused persons. The applicant is the brother-in-law of the prosecutrix who is a married lady having two children. According to the case of prosecution, on 27.02.2020, the prosecutrix and other family members along with the wife of present applicant went to the house of applicant, allegedly, the applicant used filthy language, threatened the prosecutrix and her family members and also assaulted her. It has been further alleged that at the time of incident, the applicant has also tried to outrage the modesty of the prosecutrix. On 27.02.2020, the prosecutrix lodged a report, On the basis of said report, 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 applicant was married with Shivani Kumbhkar in year 2016 and due to some dispute between them, she resides

separately from the applicant. Thereafter, in the year 2019, decree of divorce was passed. The Counsel further submits that the wife of the applicant as well as her family members forcibly tried to enter in the house of the applicant and to create pressure upon him, a false and fabricated report has been lodged. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties. Without further commenting on 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