

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 733 of 2020

Guman Singh Diwan, S/o Late Dudhsan Diwan, Aged About 48 Years, R/o Bajarpara, Farasgaon, Police Station - Farasgaon, District Kondagaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The S H O, Police Station- Farasgaon, District Kondagaon Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sandeep Shrivastava, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

21.08.2020

1. The matter is heard through Video Conferencing.
2. 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.39/2020, registered at Police Station: Farasgaon, District: Kondagaon, (C.G.) for the offence punishable under Section 294, 323, 498-A & 506 of IPC.
3. In this case the present Applicant is the husband of the complainant. According to the case of prosecution, on 31.05.2020, an FIR has been lodged by the complainant alleging therein that, on 30.05.2020, the present Applicant in a drunken condition started abusing the complainant by using filthy language and also beaten her. Moreover, when the complainant tried to resist, the Applicant caught hold her hairs, dragged her and attempted to commit her murder by pressing her neck. It is further alleged that after the marriage of the complainant, the Applicant used to torture as well as harass her on demand of dowry. On the basis of said, offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case due to some dispute. He submits that there is nothing specific allegations against the Applicant, only general allegations have been made against the Applicant. He also submits that marriage of the complainant with the Applicant solemnized 15-16 years prior to the alleged incident, therefore, he prays for grant of anticipatory bail to the Applicant.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
8. Accordingly, the anticipatory bail application is allowed.
9. 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 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 the 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