

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1410 of 2020

Mukesh Verma S/o Chherku Ram Verma Aged About 30 Years R/o Godpendri, Police Station Utai, Tahsil And District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Mahila Thana , Durg, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant	:	Shri Praveen Dhuradhar, Advocate
For State	:	Shri Lalit Jangde, Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/11/2020

Heard.

1. The applicant has filed this application for grant of anticipatory bail under Section 438 Cr.P.C. as he is apprehending his arrest in connection with Crime No. 46/2020, registered at Police Station- Mahila Thana, Durg, District- Durg (CG) for alleged commission of offence under Section 498-A IPC.
2. Case of the prosecution, in brief, is that wife of the applicant lodged report in the police station on 19.8.2020 that her husband/applicant, doubting her character and relation with third person, used to harass her physically and mentally both and despite attempts made, the husband is not prepared to keep her in the matrimonial house and one day, he removed goods from the house where the complainant-wife is residing.
3. Learned counsel appearing for the applicant would submit that on the face of the complaint and the background in which complaint is lodged, no prima facie case of commission of offence under Section 498-A IPC is made

out. He submits that the applicant is unhappy because the wife of another person came and told him that applicant's wife is maintaining illicit relation with her husband. Thereafter, the dispute arose and the wife and the applicant are not residing together. Learned counsel for the applicant submits that when the wife found that her efforts to bring the husband are failing, report has been lodged only to create pressure on him.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that in the FIR, the complainant-wife has clearly stated that the applicant, suspecting her character, is subjecting her to cruelty in many ways, therefore, offence alleged is made out.
5. Taking into consideration the submissions of learned counsel for the parties, taking into consideration the background in which dispute arisen, the contents of counseling document between the parties and that the allegation is that husband is suspecting character because wife of another person told the husband that applicant's wife is having illicit relation, in the opinion of this Court, present is a fit case for grant of anticipatory bail.
6. The application is accordingly allowed and it is directed that in the event of arrest, the applicant 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, with following further conditions that:-

(i) the applicant shall make himself available for interrogation by the police officer as and when required;

(ii) the 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 from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge