

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1805 of 2019

- Prakash Verma S/o Shri Chandrapratap Verma Aged About 46 Years
R/o Village Sonpuri, Post Kusmi Atariya, P.S. Chhuikhadan, Tehsil -
Khairagarh, Dist. - Rajnandgaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Durg Dist. - Durg
Chhattisgarh

---- Respondent

For Applicant	: Mr. Rakesh Pandey, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

30/01/2020

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. 166/2019, registered at Police Dhamdha, Distt. Durg (C.G.) for the offence punishable under Section 498-A read with Section 34 of the IPC.
2. As per prosecution story, the applicant is the husband of complainant Savitri Verma, their marriage was solemnized on 19.04.1998, out of their wedlock they have blessed with two children. On 01.10.2019, complainant made a report against the applicant in concerned police station alleging therein that after the marriage, the applicant and his family members used to harass and torture her. Many times social meetings were also conducted in this regard. It has been further alleged that on 25.12.2017, the applicant expelled out the complainant from his house and left to her Parents' home. Later on, the complainant received an information that the applicant got married with another lady namely Hema Lilhare, on such information,

she made a report before concerned Police Station but, no investigation has been done by the Police. Thereafter, the complainant came to know the fact that the applicant having one more relationship with one Seema Verma. On the basis of written report dated 01.10.2019, offence has been registered.

3. Learned Counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that from last three years, the complainant residing separately from the applicant and after that she made various false and fabricated complaints against the applicant. Prima facie no case can be made out against the applicant. The Counsel finally submits that the applicant is a reputed person of his society, he is a permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of 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 the parties and further considering the facts that the complainant has residing separately from the applicant from last three years and prior to that she never made any report against the applicant. Without further commenting on other merits of the case, I am inclined to 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. 20,000/- 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