

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2131 of 2019

Anukul Chandra S/o Awadhesh Kumar aged about 38 years, R/o Chandra Nagar, Umarpoti, Tehsil And District - Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Durg, S. H. O. Police Station Women Cell, Sector 6, Bhilai, District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. B.P. Singh, Advocate.
For Respondent/State	: Mr. Gagan Tiwari, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

28/05/2020

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. 85/2019, registered at Police Station: Women Cell, Sector 6, Bhilai, Durg (C.G.) for the offence punishable under Section 498-A & 323 of IPC.
3. As per the prosecution story, marriage between the complainant and the Applicant was solemnized on 18.04.2017. On 21.11.2019, a report has been lodged by the complainant alleging therein that the Applicant used to torture her and harass her. He also used to assault the complainant after consuming liquor. On the basis of said, offence has been registered.
4. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case due to some dispute. He submits that virtually the complainant herself doesn't want to live with the Applicant and she used to quarrel with him. She herself left the house of the Applicant from last 1 ½ years. He also submits that the Applicant had made a report to the concerned Police Station regarding

behavior of the complainant that is why the complainant had made a false and fabricated complaint against the Applicant, therefore, it is prayed that the Applicant may be granted benefit of anticipatory bail.

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 and also considering the fact that the complainant and the Applicant resided together for a period of 1 ½ months, 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**