

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A.) No. 124 of 2021

- Rishikesh Mishra S/o Kamlakant Mishra, Aged About 35 Years By Caste - Bramhin, R/o Village Rajpur, Police Station - Lailunga, District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Station - Duldula, District - Jashpur Chhattisgarh

---- Non-applicant

For Applicant	: Mrs. Madhunisha Singh, Advocate.
For State/respondent	: Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

17-05-2021

Heard.

1. Apprehending arrest in connection with Crime No.06/2021, registered at Police Station– Duldula, District- Jashpur, Chhattisgarh, for the offence punishable under Section 498-A of the I.P.C., the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The complainant is the married wife of the applicant. On account of dispute between them, the complainant has left the matrimonial home and started residing in her parental house since December 2019. The applicant then filed a complaint in the police Station- Lailunga, District- Raigarh on 25.06.2020 alleging about the mis-behavior of the complainant and his in-laws and also the threat given by them for implicating in false case. The complainant then has filed another complaint on 20.08.2020 of the same nature with

apprehension that he may be implicated in a false case. It is subsequent that the complainant made a complaint on 06.09.2020, on the basis of an F.I.R. that has been lodged on 07.01.2020, which is clearly a counter blast to the complaints made by the applicant. All the co-accused has been granted bail by the Sessions Court, Jashpur. Applicant is also similarly placed. Hence, it is prayed that this applicant may be granted anticipatory bail.

3. Learned counsel for the State opposes the submissions made in this respect. It is submitted that the allegations against the applicant are of very serious in nature, therefore, he is not entitled for grant of anticipatory bail.
4. Heard learned counsel for both the parties and perused the documents present.
5. According to prosecution case, it is alleged that this applicant tortured his wife, and demanded dowry, misbehaved with her and also thrashed her on numerous occasions because of which she has left her matrimonial home and filed an F.I.R. against this applicant and others.
6. On considering the facts and circumstances of the case that are present on record and also taking into consideration, that the applicant has moved some complaint applications against the complainant side, hence, this F.I.R. was lodged. Therefore, I feel inclined to allow this application.
7. Hence, the bail application filed under Section 438 of Cr.P.C. is allowed.
8. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid

offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that 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/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Vacation Judge