

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 672 of 2021**

- Sumit Suseelan S/o N Suseelan, aged about 33 years, R/o 3/D, Street 33/A, Sector 10 Bhilai, Tehsil and District Durg (C.G.)

Presently residing at Tower C, Flat 21/A, Pent House 7th Floor, Chauhan Town Bhilai, Tehsil and District Durg (C.G.)

Office Address : 2nd Floor, Seven Hills, Krishna Talkies Road, Bhilai, Tehsil and District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh - Through : Police Station - Mahila Thana, Durg, District Durg (C.G.)

---- Respondent

For Applicant	:	Mr. Priyank Rathi, Advocate.
For Respondent.	:	Mr. B.P. Banjare, Dy. G.A.
For Objector	:	Mr. Vivek Sharma, Advocate

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21/06/2021**

Proceeding through video conferencing.

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No.42/2021 registered at Police Station - Mahila Thana, Durg, District Durg (C.G.) for commission of the offence punishable under Section 498-A of Indian Penal Code.
2. The prosecution story, in brief, is that a complaint was lodged against the applicant alleging therein that the applicant established an extra marital affair with another woman while he used to travel to Bangalore and, in

pursuance of the same, the applicant used to beat the complainant and committed cruelty with her. Based on this, offence has been registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. Learned counsel further submits that earlier also an FIR was also lodged against the applicant, which after compromise between the parties, was compounded. The present FIR is nothing but a false one just to harass the applicant. He also submits that the applicant has also filed an application under Section 13 of the Hindu Marriage Act much before the registration of FIR against him. Therefore, the applicant may be granted anticipatory bail.
4. Counsel for the State however opposes the application for anticipatory bail.
5. Learned counsel for the objector opposing the bail application submits that the applicant established an extra marital affair with another woman at Bangalore. He also submits that the applicant kicked the complainant, their child aged about 3 years and also his own parents out of his house. He further submits that the applicant just to save himself from legal proceedings has filed divorce petition before the Family Court, Bengaluru, just after withdrawal of first complaint.
6. After hearing counsel for the parties and considering the facts and circumstances of the case, further considering the nature of allegation against the applicant and delayed FIR, without commenting anything on merit of the case, this Court is of the considered opinion that it is a fit case to grant

anticipatory bail to the applicant.

7. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:
- (i) that the applicant shall make himself available for interrogation/medical examination before the concerned 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 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.

Sd/-

(Rajani Dubey)
Judge