

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1037 of 2021

- Mohd. Suhail, S/o of Sheikh Meer Hasan, aged about 31 years, R/o Village & Post – Sagar, Sultanpur, P.S. - Bhagwanpur, District Sivaan (Bihar)

---- Applicant

Versus

- State of Chhattisgarh, Through : The Police Station – Ratanpur, District Bilaspur (C.G.)

---- Non-applicant

For Applicant	:	Shri Sumit Singh Rathore, Advocate.
For Non-applicant/State	:	Shri Vaibhav Singh, Panel Lawyer.

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

01.09.2021

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 120 of 2020 registered at Police Station Ratanpur, District Bilaspur (C.G.) for the offence punishable under Sections 498-A, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that, the complainant got married with the present Applicant in the year 2017 and she resided with him till 15.12.2019. During this period, the Applicant had made demand for money from her and her brother, the complainant was also assaulted by her in-laws. When the complainant intimated the incident of assault to her husband present Applicant, he had not taken any action or not protected her. The Applicant stated her that he will perform second marriage and is about to perform the marriage. Based on the report, the FIR was registered against the Applicant and his family members.

3. Shri Sumit Singh Rathore, learned counsel for the Applicant would submit that the complainant and the Applicant performed love marriage in the year 2017 since then they resided together till 15.12.2019. During their stay there were some dispute on trivial issues and on the false pretext that the Applicant is going to perform second marriage the instant complaint has been lodged by her. There are chances of settlement of the dispute between the parties. He also submits that all other 5 family members have been enlarged on bail vide order dated 11.06.2021 in MCRC No. 266 of 2021. Hence, the present Applicant may also enlarged on bail.
4. On the other hand, Shri Vaibhav Singh, learned State counsel opposing the submissions of learned counsel for the Applicant, submits that there are allegations against the family members of the Applicant that they assaulted the complainant and further that the Applicant on intimating by the complainant has not protected her or objected to the act of his family members. He submits that there is further allegation that the Applicant is intending to perform second marriage. Hence, the Applicant is not entitled for the benefit under Section 438 of Cr.P.C. However, the parties are governed with the Muslims law.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of allegations levelled against the Applicant, facts and circumstances of the case, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the Applicant.
7. Accordingly, application is allowed and it is directed that in the event of arrest of Applicant in connection with the crime in question (120/2020), he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicant shall also abide by the following conditions:

- (i) that the applicant shall make himself available for interrogation before the investigation 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.

Sd/-
(Parth Prateem Sahu)
Judge