

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No.1105 of 2021**

- Sandeep Sharma, S/o Late Rajkumar Sharma, aged about 37 years, resident of Gulab Nagar, Mopka, PS Sarkanda, District Bilaspur (CG)

---- Applicant

Versus

- State of Chhattisgarh, through SHO, Mahila Thana, Bilaspur District Bilaspur (CG)

---- Non-applicant

For Applicant	:	Mr. Dheerendra Pandey, Advocate.
For Non-applicant	:	Mr. B.L. Sahu, Panel Lawyer.

Hon'ble Mr. Justice Parth Prateem Sahu
Order On Board

14/9/2021

1. This is first application under Section 438 of CrPC for grant of anticipatory bail to applicant as he apprehends his arrest in connection with Crime No.55/2021 registered at Mahila Thana, Bilaspur for commission of offence punishable under Section 195A of IPC.
2. Case of the prosecution, in brief, is that on 3.8.2021 the complainant lodged a complaint with the concerned police station mentioning therein that on 2.8.2021 applicant, who is husband of complainant, came to her house, threatened her to withdraw complaint/case lodged by her under Section 498A of IPC against applicant and his family members. There is further allegation that applicant gave threat that if complainant will not withdraw complaint/case registered under Section 498A of IPC, he will kill her and her children. Based on this complaint, FIR is registered against applicant.
3. Mr. Dheerendra Pandey, learned counsel for applicant would submit that complainant is residing in the house purchased by applicant, who is a Police Constable. Applicant and his family members have been granted anticipatory bail in respect of offence under Section 498A of IPC registered against them on the basis of complaint lodged by complainant and out of that

frustration, in order to implicate applicant falsely in another case, present complaint is lodged by complainant. He submits that witnesses to incident are family members of complainant who are residing separately, hence, they cannot be said to be witnesses to incident. He submits that applicant is a government servant, hence he may be enlarged on anticipatory bail.

4. Mr. B.L. Sahu, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that as per written complaint allegations are that applicant entered into house of complainant-wife, threatened her to withdraw case/complaint filed by her under Section 498A of IPC. Applicant also gave threat of life to complainant and her children. However, upon putting specific query with regard to statement of witnesses recorded by police during the course of investigation, he submits that apart from family members of complainant, statement of one Kavita Nayak, neighbourer of complainant, is also recorded. He read over statement of Kavita Nayak recorded under Section 161 CrPC.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations levelled against applicant; statement of Kavita Nayak; applicant is a government servant working as Police Constable, without commenting anything on merits of case, I am inclined to enlarge applicant on anticipatory bail.
7. Accordingly, application filed under Section 438 of CrPC for grant of anticipatory bail is allowed. It is directed that in the event of arrest of applicant in connection with crime in question, 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/- (Rupees Twenty Five Thousand) with one surety in the like sum to the satisfaction of the Arresting Officer. Applicant shall also abide by the following conditions :

- (i) that he shall make himself available for interrogation before Investigating Officer as and when required;
- (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of case so as to dissuade him /her from disclosing such facts to the Court or to any police officer;
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he 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

roshan/-