

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. (A) No. 1101 of 2021**

Siddharth Singh, S/o Shri Ramnaresh Singh, Aged-39 years, R/o P.D. Nagar, Unnav, District – Unnav [U.P.]

---- Applicant**Versus**

State of Chhattisgarh, Through – P.S. - City Kotwali, Raipur, District – Raipur (C.G.)

---- Non-applicant

For Applicant : Mr. Rajesh Kumar Kesharwani, Advocate.
For Non-applicant/State : Mr. B.L. Sahu, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****22/10/2021**

(1) The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 1002/2020 registered at police station – City Kotwali, Raipur, Distt. - Raipur (C.G.) for commission of offence punishable under Section 380 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that brother-in-law of the applicant lodged FIR at Police Station – City Kotwali, Raipur on 8.6.2020 alleging therein that applicant theft ₹10,000/- cash from his quarter and jewelery valued at ₹ 35,000/- of his mother. On the basis of complaint lodged by the complainant, FIR under Section 380 of the IPC was registered against the applicant.

(3) Learned counsel for the applicant would submit that the applicant has been falsely implicated in the crime in question as he has never committed the alleged offences. He further submits that there is matrimonial dispute between the applicant and his wife and several cases are pending between them in the Court of Uttar Pradesh in this regard. He also submits that applicant came to Raipur to meet with his wife regarding their matrimonial dispute, meanwhile, sister-in-law and wife of applicant only with intention to keep away the applicant, lodged false FIR against the applicant and, therefore, the applicant may be extended the benefit of Section 438 of the Code of Criminal Procedure.

(4) On the other hand, learned counsel for the State would submit that it is a case of theft of money and ornaments. The case is under investigation and named FIR has been lodged against the applicant, therefore, the anticipatory bail filed by the applicant is liable to be rejected.

(5) I have heard learned counsel appearing for the parties.

(6) The complainant is said to be the brother-in-law of the applicant and counsel for the applicant also stated that there is family dispute between the applicant and his wife and he has also filed various documents in this regard.

(7) Looking to the facts & circumstances of the case, particularly the fact that there is matrimonial dispute between the applicant and his wife, I am of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on his furnishing a bond in the sum of ₹ 25,000/- with one surety for the like sum to the satisfaction of the

officer/Court arresting him and he shall abide by all the following terms and conditions:

- (i) that the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required.
- (ii) that 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) that the accused/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.

Certified copy, as per rules.

Sd/-

(N.K.Chandravanshi)
Judge

D/-

