

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C (A). No. 1230 of 2021

Devendra Kumar Deshmukh S/o Narendra Deshmukh, Aged About 34 Years, R/o Village Dokla, Police Station Khadgaon, Tahsil Manpur and District Rajnandgaon, (At Present District Manpur Mohla Chowki) Chhattisgarh. Presently Residing At C.P.W.D. Office, Quarter No. 03, Avenue Indira Nagar, Adyar Chennai, Tamil Nadu Pin 600020.

---- Applicant

Versus

State of Chhattisgarh Through Police Station Suregaon, District Balod Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anmol Sharma, Advocate.
For State	: Mr. B.L. Sahu, PL.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

01/10/2021

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.45/2021 registered at Police Station –Suregaon, District Balod, (CG), for the offence punishable under Sections 498-A, 377 and 34 of the Indian Penal Code.

2. Case of the prosecution, in brief, is that complainant got married with applicant on 10.02.19. Written report was lodged by complainant wife on 20.08.21 making allegation that from initial days of marriage, applicant was forcing her for making un-natural sex. When they went to Chennai at place of employment of applicant after their marriage, applicant started suspecting upon her virginity, comparing with other females, making obscene comments upon her. She was being mentally tortured by saying that she and her family members are insane, her sister is of bad character. After submission of report, it was forwarded to Counsellor for counselling between the parties and Counselor submitted its report that allegation levelled against applicant for making un-natural sex is found to be proved. Thereafter, FIR was registered against applicant and his parents.

3. Learned counsel for the applicant submits that applicant is a Class-1 officer working as Examiner of Patents and Designs under Government of India. After marriage, complainant wife shown her will to continue her Bachelor of Education (B.ed) course. She visited alone to appear in the examination of B.ed from Chennai. She further shown her will to appear in Teacher Eligibility Test (TET) on which also she appeared from Chennai. She was ambitious and wanted to do job and therefore, started pressurizing the applicant to settle at Durg which was refused by applicant. This was cause of dispute between the parties. She left company of her husband in September 2020 and appeared in examination and resided some day in her matrimonial house alongwith her in-laws, but from there also she returned back to her parent house. Prior to September, 2020 also due to previous dispute of pressurizing the applicant on doing the job, complainant left the house of applicant and meeting alongwith members of family has taken place on 14.03.2021. After discussion in the meeting complainant took time to think over and on 18.03.21 she consented to join the company of applicant. The settlement between the parties on 18.03.21 is placed on record as Annexure A-8. In the settlement, there is specific mentioned that complainant agreed of not doing the job and reside happily with applicant. Other in-laws of complainant have been granted bail by this Court vide order dated 20.09.21. Applicant is Government Servant and willing to continue his marital relation ship with complainant. Hence, he may be enlarged on anticipatory bail.
4. Learned State Counsel opposes the submissions made by learned counsel for applicant and submits that there are serious allegations of establishing unnatural sex, torturing and harassing by making comments upon her and her family members by applicant. In counselling proceeding allegation of establishing un-natural sex is found to be proved. Hence, applicant is not entitled for grant of anticipatory bail. However, he do not dispute the settlement between the parties on 18.03.21.

5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegations, material available on record alongwith bail application, submissions made by learned counsel for the parties, period of marriage, proceeding of family meeting dated 18.03.20, the fact that applicant is ready to continue of his marital relationship with complainant and applicant is a government servant, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.
7. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the crime in question, she shall be released on bail by the officer arresting her on executing a personal bond in sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions :
 - (i) that applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-