

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.1688 of 2020

- Vikash Pandey, S/o Shri Kailash Prakash Pandey, Aged About 30 Years, R/o Sanskar City, House No.13.357, Dhansuli, Police Station Vidhan Sabha, Raipur, Tahsil and District Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through the Station House Officer, Police Station Vidhan Sabha, Raipur, District Raipur, Chhattisgarh

---- Respondent

For Applicant	Mr. Shivendu Panda, Adv.
For Respondent-State	Mr. Ayaz Naved, GA
For Respondent-Objector	Ms. Aditi Singhvi, Adv.

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

19/05/2021

1. The applicant has filed this bail application under Section 438 of CrPC, as he is apprehending his arrest in connection with Crime No.139/2020, registered at Police Station Vidhan Sabha, District Raipur, for the offence punishable under Sections 294, 323, 341, 342, 498 (A)/34 of IPC.

2. The case of the prosecution, in brief, is that the applicant along with his mother and father treated the complainant with cruelty and assaulted the complainant and thereby committed the offence.
3. Mr. Pandya, learned counsel for the applicant, would submit that the applicant has not committed any offence and he has been falsely implicated. He would further submit that the applicant and the complainant are the husband and wife and the dispute is civil in nature, therefore, the applicant be given the benefit of anticipatory bail.
4. Ms. Aditi Singhvi, learned counsel for the complainant/objector, would submit that the applicant along with his mother and father treated the complainant in cruel manner and even assaulted the complainant, therefore, he may not be given the benefit of anticipatory bail.
5. I have heard learned counsel appearing for the parties and perused the record.
6. Taking into consideration the facts and circumstances of the case, nature and gravity

of the offence and considering the nature of dispute and the relationship between the applicant and the complainant as husband and wife, it would be appropriate to admit the applicant on privilege of anticipatory bail.

7. Accordingly, the bail application filed under Section 438 of the Cr.P.C. is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on 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 amount to the satisfaction of the concerned Investigating/Arresting Officer. The applicant shall also abide by the following conditions:-

- I. that he shall make himself available for interrogation before the concerned Arresting/Investigating Officer as and when required;
- II. that he shall not, directly or indirectly, make any inducement, threat or promise to the 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 he shall not act, in any manner, which will be

prejudicial to fair and expeditious trial; and

- IV. that he shall also appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

Sanjay K. Agrawal
Vacation Judge

Nirala