

M.Cr.C. No.9727/2011

22/12/2011

Shri A.K. Saraswat, learned counsel for the applicant.

Shri Mukesh Kumawat, learned Panel Lawyer for the State.

Heard.

This is an application under section 438 Cr.P.C.

The applicant is apprehending his arrest in connection with Cr.No. 280/11 registered at P.S. Jaora District Ratlam for the offences punishable under sections 498-A , 377 and 506 of the Indian Penal Code.

As per the prosecution story on 24.09.2011 the complainant Shakila Khanam lodged a report against her husband-the applicant that on 27 and 28.08.11 her husband ill-treated her.

Learned counsel for the applicant submits that the marriage of the applicant with the complainant was solemnized on 03.02.2001. Thereafter, the applicant gave divorce to his wife on 03.09.2011. He also submitted that due to pain of slip disk the applicant had taken voluntary retirement from service. Counsel also submitted that on 03.09.11 the divorce has been taken place and he has been falsely implicated in the crime. It is submitted that the complaint was lodged after a period of one month and looking to the nature of allegation, this application be allowed and the applicant be released on anticipatory bail.

Learned Panel Lawyer appearing for the State opposed the prayer and prayed for dismissal of the application.

On due consideration of the aforesaid facts and circumstances of the case and the material evidence available on record, without expressing any opinion on the merits of the case, I am of the considered view that it is a fit case to allow the application for grant of anticipatory

bail. Therefore, this application is allowed and it is directed that in the event of arrest of the applicant by the arresting officer, he shall be released on bail subject to his furnishing a personal bond in the sum, of Rs. 30,000/- (Thirty thousand) with one surety of like amount to the satisfaction of the arresting officer, subject to his abiding by the conditions enumerated under section 438(2) Cr.P.C. This order shall be valid for a period of thirty days from today. In the mean while, the applicant may apply for regular bail within the aforesaid period of thirty days before the competent Court.

CC as per rules.

**( P.K. Jaiswal )**  
**J U D G E**

**Dube/-**