

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 752 of 2015

Mukesh Yadav S/o Late Pramod Yadav Aged About 29 Years R/o Quarter No.385,
Road No.5-A, Shantinagar, Supela, Bhilai, P.S. Supela, Tahsil And District Durg,
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: The Station House Officer, Out Post Vaishali Nagar,
P.S. Supela, District Durg, Chhattisgarh

---- Respondent

Shri Jitendra Gupta, counsel for the applicant/s.
Shri Manish Nigam, Panel Lawyer for the State.

Order On Board

19/08/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.476/15 registered at Out Post - Vaishali Nagar, P.S.-Supela, Distt. - Durg (CG) for alleged commission of offence under Section 498-A/34 of IPC and Section 4 of the Dowry Prohibition Act.

2. Case of the prosecution is that the applicant and other accused harassed the complainant in connection with demand of dowry and other valuables and it is alleged that at times, the applicant beaten up his wife.

3. Learned counsel for the applicant submits that the allegations are afterthought and levelled against the applicant only after the applicant instituted proceedings for restitution of conjugal rights in which final orders have been passed in favour of the applicant on 16/07/15. The written report was lodged on 07/07/15. It is submitted that even according to the complainant, she left the matrimonial house 15 days after the marriage but report has been lodged after almost 1½ years of marriage. Therefore, false implication of the applicant cannot be ruled out.

4. On the other hand, learned State counsel opposes the bail application and

submits that according to the complainant, she was harassed by her husband and other members of the family in connection with demand of dowry and beaten up by her husband in intoxicated condition.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the complainant left the matrimonial house after 15 days of marriage i.e. sometime in the month of March, 2014 and report was lodged in the month of July, 2015 i.e. after almost 1 year and 4 months and applicant is stated to have instituted proceedings for restitution of conjugal rights, I am inclined to grant anticipatory bail to the applicant.

6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police 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 the case so as to dissuade him 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.

Certified copy as per rules.

Manindra Mohan Shrivastava
Judge